

THE  
Grand Case  
Of the present  
MINISTRY.

WHETHER  
They may lawfully *Declare*  
and Subscribe, as by the late *Act* of  
*UNIFORMITY* is required.

AND  
The several *Cases*, thence arising (more  
especially about the *COVENANT*)  
are clearly Stated and Faithfully Resolved.

---

By the same *Indifferent Hand*.

---

With an *Addition* to his former *CASES* of  
*CONSCIENCE*, hereunto Subjoyned.

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*Love worketh no ill to his Neighbour : therefore*  
*Love is the fulfilling of the Law, Rom. 13.*

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London, Printed by *J. Macock*, for *T. Dring*, and are  
to be sold at the *George* in *Fleet-street*, and by  
*M. Mitchel* at the first Shop in *Westmin-*  
*ster-Hall.* 1 6 6 2.







THE  
PREFACE  
TO

*My Dissenting Brethren.*

I. **A** Man may be  
*Felo de se* by de-  
stroying him-  
self, *by our Law:* ○

and *Fur de se*, by depri-  
ving and *Stealing* himself  
away from him to whom  
his *Service* is *due*, by the

A 3 Im-

4 Jan. 49 Univ. of Calif.

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*Imperial Law* : and *proclitor de Se*, by the Law of Nature, if he descend from the Dignity of *Humanity*, and submit to the *Danger* which he might *avoid*. *These* are words of the very Learned Doctor *Donn*, against the *Jesuitical* ambition to suffer : and, with all my heart I wish, they were not in *all particulars*, too too pertinent to *our present Case*.

2. For an *Opinion*, that we are *our own Lords*, and may dispose of our selves, for the glory of *God*, as we *please*, precipitates, not  
only

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only *Jesuites*, but the *zealous* of all professions, to forsake *themselves*, and to quit their *Duties*, with a strange *prodigality* of their *Lives* and *Fortunes*.

3. But it is, verily, a great *Mistake*; for we are not *our Own*: our *Persons*, our *Parts*, our *Estates*, and *Capacities*, they are *Gods*, the *Kings*, the *Churches*, and our *Wives* and *Friends*: and to all of these, in a several *respect* and *proportion*, we are justly *accountable* for *them*.

4. It was a *Monstrous* kind of *wantonness* in those

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*Women*, Gellius speaks of, that so long plaid with their own *Lives*, till they had brought it up for a *fashion*, to kill themselves.

5. And yet it should seem, that it is even *Natural* for men of *Stomack*, to value a *Name* above *Life*; for the very *Heather*, tempted with honour and *vain-glory*, (and sometimes with *ease*, and a desire to be freed from present *Inconveniences*) how familiarly did they kill themselves?

*Arist.*  
*Ethic. lib.*  
3.6.7.

6. Whereupon, it is observed, that *such* as labour'd for *publique* preservation,

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on, did oppose themselves to this strange *Corruption*, by endeavouring to Convince the World, that there is *nothing more base and cowardly then to destroy ones Self.*

7. The *Emperours* also in their *Laws* and *Constitutions*, had *Remedies* against it : not only by *Forfeitures*, but *Infamy* it self, to remove, if possible, the *Temptation of glory.*

8. Yea, as if the *Self-denial* of *Christianity* were too weak to encounter it, we read of a *Law* in the *Earldom of Flaunders* to the same

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same purpose : in which, this *destroying of ones self*, is counted with *Treason, Heresie and Sedition* : and do not our *own Laws* Reckon it, not onely *Mans-slaughter*, but *Murther* ? yea, as a thing hardly standing with the *truth* of our Profession, as *Christians*, the *Canons* of the *Church* are set against it, denying such persons *Christian Burial*.

9. Amongst *Christians*, *Bellarmino* (by way of reproach, indeed, to his Adversaries) hath this *Gradation* in his Observation, wherein he placeth the  
worst,

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worst, first. To Suffer, saith he, the *Anabaptists* are forwardest, the *Calvinists* next, and the *Lutherans* very slack. And if it may be no offence to my *Brethren*, we may easily note ; that with us, the *Quaker* is forwardest , the *Anabaptist* next, the *Independent* next, and the *Presbyterian* last, (no disparagement to him) though all too forward) in exposing themselves to needles sufferings.

10. And now, my *Brethren*, if this *Witness* be true, and the *premises* cannot be denied ; let us begin to think with our selves, what it is, that

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that doth *Warrant* and justify *Sufferings*, and constitute *Martyrdom*.

11. Certainly, if *propenseness to suffer* makes the *Martyr*, the *Anabaptist*, the *Quaker*, yea, the *Jesuite* and the *Heathen*, the *Lunnatick* and the *Madman*, even such as have neither *Grace* nor *Reason* are far before you.

12. We must conclude, that *nothing* can prefer the *Sufferings* of *one Way* or *Party* (be it the *Sobereft* in the *World*) to an higher *Estimation* or *Reward*, then *another*, or indeed, secure it from the offence of *God*,  
our



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our Neighbour, and Self-Murther, but the *Justnesse* of the Cause.

13. Yet, if the Cause be *Just*, except the *Intention* be *right* too, we fail of *Martyrdom*: it is not the falling with a beloved party, the satisfying the *humour* of a multitude, the preserving a Name with *Male-Contents*, the answering our own *Idea* of *Conveniency*, much lesse, a being revenged upon a *Government* we hate, that makes a *Martyr*. 'Tis neither the *Intention* without the Cause, nor the Cause without the *Intention*, shall win

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win and wear this *Crown* ;  
Though I bestow all my  
goods to feed the poor : yea  
though I give my body to be  
burned, and have not cha-  
rity, it profiteth me nothing.

14. Again, Admit the  
Cause and the Intention  
both were right : yet, there  
is another way to frustrate  
the hopes, and lose the Re-  
ward of Martyrdome : for  
there must be a fit occasion  
too, Necessitating the Suf-  
ferings which God approves.  
A Learned Man, against that  
Jesuiticall fury of daring  
the Magistrate, assures us,  
that the Right Martyrdome  
perish-

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*perisheth upon this ground (among others) that he which refuseth to defend his life by a lawful act, and entertaines not those overtures of Escape, which God presents him, destroy's himself.*

15. There is a *Golden Mean* (worth a *Golden Mine*) fitly illustrated by the *Law* of the *Roman Army*, *Jus Legionis facile, non sequi, non fugere*: Neither to pursue persecution with a Neglect of our *Safety* or *duty*: nor to run away from it, with apparent hazard of *Gods glory*.

16. Indeed, our *Supream Lord*

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Lord sometimes calls for our *Goods*, our *Liberties*, and our *Lives*, in *witneſſ* to his *truth* : yet, though he allows our *Affection* to himſelf a *channel* to Run in, even to *death*, when he *re-quires*; he, by no meanes, indulgeth that *Heatheniſh Corruption* of *destroying our ſelves*. When God calls we are bound to ſuffer, and to ſuffer *chearfully*, and willingly, and readily, but never *Spontaneouſly*, or to have a *hand* in our *own blood*; either by *provoking* our own Ruine, or ſuffering for our *own Cauſe*, or being  
our

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our *own Executioners*. This is to *throw away* the *Talent* lent us ; which ought *thus* onely to be *spent*, when it may not be improved *any other way* for our *Master's use*.

17. To suffer for *Christ* and the *Gospels* sake is, indeed, a *favour* from *Heaven*, to *you* it is given, in the *be- half* of *Christ* not onely to *be- lieve*, but to *suffer* for his *sake* ; but mark, it must be for his *sake*, and on his *be- half*, and given too, by *God*, in the *course* of his *provi- dence* ; not *snatcht* or *stolne* by our own *Rashnesse*, and  
B                      hast-

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hastning the *Occasion* and *Execution* of it.

18. *God* hath been pleased to set down in *Scripture* the *Grounds* and *Causes* upon which he *Calls*, and we *may* and must submit to sufferings : and to shrink, when fairly called, or run upon sufferings, when not called, the first, is to crucifie *Christ* in his *Cause*, and the last, is to crucifie *Christ* in *our selves* : but to be crucified for *Christ*, is to suffer with him, that we may be also glorified together.

19. Give me leave, my dear *Brethren* (for whom I, truly,

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truly, *travel in Birth*) without offence to be *plain* with you, in a *few* words of serious *advice*, seasonably *inferred* from *these* Considerations; which my *heartly* affection and faithfulness to you, and this poor *Church*, will *not* suffer me to omit, & I shall *cease* to trouble you.

I. Let me beseech you to *suspect* that natural *Corruption*, which, upon *Ambition*, *Discontent*, and *Temptation* of *Credit* and *Glory* in the *World*, is prone to *hasten* you, in this *Crisis* of distemper, to *unwarrantable* *Sufferings*.

B 2      2. Take

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2. Take heed of being *Hurried* to suffering, with the Motion of the *Multi-tude*, or by the fond persuasion of an *implicite faith*, or dependance upon the *principles* and *examples* of *others*; whose *Temptations*, haply, may be *greater* then *yours*; and yet, if you follow them, their *sufferings* may be *less*. Yea, it is possible, and worthy to be heeded, that *others* may tempt you to follow them into *that Condition*, wherein you, indeed, may suffer *for them*, and yet *they* not suffer *with you*.

3. Therefore, having the  
glory



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glory of *God*, the prosperity of *Sion*, the peace of the *Nation*, the progress of the *Gospel*, the Salvation of *Souls*, the fulfilling of your *Ministry*, and provision for your *Selves* and your several *Families* before your eyes; let *nothing* tempt you from *all* these, that amount to no more then the pleasing and gratifying an *Espoused party*, that resolves to be *Angry*: for, against *all these*, I can see no reason, why you should resemble that *Spelunca Hienæ*, which the *Prophet* complained of; that is a *fish* (as *St. Chrysostom*

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*Isaiah* observes) that hath but *one back-bone*, and cannot *turn*, except it *turn all at one*.

4. Above all, take heed of displeasing *Christ* by pleasing *your selves* or *friends* ; of provoking him to *forsake you* in your sufferings, by dissembling to suffer for *him* when you *know* you do *not* ; or when, indeed, you *do not*, and you *think* you *do*.

To suffer the *loss of all* in pretence for *Christ* , and , therefore to suffer the *loss of Christ* too , this is suffering *indeed*. What can more  
*imbitter*

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*im*bitter our sufferings, then to have the punishment of *loss temporal* seconded with the punishment of *pain Spiritual*? and our dissembled sufferings for Christ rewarded with our *real* sufferings from him : with a, *who* hath required these things at your hands ?

5. Remember the *great end* of our *Life* and *callings*, of our *Stations* and *Relations* : we are not sent into the world *properly* to *suffer*, but to do, *viz.* to perform the *Offices* of *Society* required of us in our several *places*.

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2. The way to *Triumph* was not (of *old*) to be *slain* in the *Battel*, but to have kept the *Station*, and *done* all *Military duties* : let us *stand fast*, and not be shaken or *moved* with the blasts of *envious reproaching* or *flattering words*. Let not *small encounters* of *apprehended inconveniences* make us *flie*, or *quit* our *duties*.

3. Let us *fulfill* our *Ministry begun* : and *Run* the *Race* that is yet before us, with *patience* and *perseverance*, to the *end*, *despising* the *shame*, as our *fore-runner* did, who may call *us* also to  
*follow*

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*follow his steps , as well through evil as good Report ; Yielding him Sweat in the Harvest of our Calling, and not our Blood till he Calls for it.*

6. *Pythagoras* his *Sholars* were to suffer themselves to be *slain*, rather then to stir their foot and tread down a *Bean* ; and *Jarvice* , the *Priest*, in *King James* his days, though he had *publicly* declared before, that it was *lawfull* to take the *Oath of Allegiance*, yet he would die in the refusall of it , because it seemed not *Expedient* to him to take it then.

2. Ah !

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2. Ah! my *Brethren*, is there, indeed, no greater *Latitude* in *Christian-liberty*? must we needs venture *all* upon a point of *Indifferency*, or meer *Expediency*?

I dare not *Determine*, how far a *Divine positive Law* loseth its hold and obligation in Case of *Just fear* or *Necessitie*: yet, when we see nothing in the things enjoined, that is against the *Law of Nature*; and when there is *no Rule* to be found against them in the holy *Scripture*; yea when the Case is *such* as indeed *ours* is,

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is, that neither the *primitive* nor the *Reformed Churches*, *disallow of Conformity*; 'Tis evident, that at most, there is ground of *Scruple onely* of the *lawfulness*; there can be no *Knowledge* of the *unlawfulness* thereof.

3. Now in *such a Case*, *Conscience* cannot *prohibite* *Conformity* (though *very much* is *still pleaded from it*) for indeed, in *accurate Speaking*, it is not *Conscience* that doth properly bind *at all*, but that *Law* which *Conscience* takes *Knowledge* of, and presents to our *Understanding*.

And

Corbo.  
sum. sum:  
Tom. 1. p.  
1. c. 12.

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And if the *Law* be not *clear* in it self, or if *Conscience* take not a *full* or *clear Knowledge* of the *Law*, especially if there be *no Law* at all in the *Case*, we have no *Knowledge* to *Enlighten* and *guide* our *Conscience*, we are in *Ignorance*, in *doubts*, or in *Scruples*; and the *Law* of *Conscience* doth not now *dictate* to us what to *do* or *Suffer*; and if, in *such* a *Case*, we *choose* to *Suffer*, we may not say, we suffer for *Conscience*: *I did it Ignorantly*, not *Conscientiously*, saith the great *Apostle*.

Hence a *Learned* Divine  
(in



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(in confutation of the *Jesuits suffering-zeal*) concludes, that where God hath afforded us *no way* of attaining to *Certain Knowledge*; though a man may have some *such* knowledge or *Opinion* as may *sway* him, in an *Indifferent Action*, by *Reasons of Conveniency*; or with an *Apparent Analogy* with *other points* of more evident *Certainty*; yet, no man may *Suffer* any thing for *these points*, as for *his Conscience*: because, though he lighted upon the *Truth*, yet it was not by any *Certain Way* which God appointed

Dr. Don,  
pseudo. p.  
238.

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pointed, for a *Constant* and *Ordinary* means to find out that *Truth*.

6. But lest I *enlarge* beyond the bounds of a *Preface* ; In short, O that my *brethren* would soberly ask *themselves* , what that *means* , I will have *mercy* and not *Sacrifice* ? is there no *such* thing as *self-deniall*, in parting with our *own Wills* ? is no apprehended *Inconvenience* to be *born* for the discharge of our *Trust* to *God* and *men* ? is nothing *tolerable* that is not *best* ? or is nothing to be *yielded* out of *charity* and  
pity

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pity to the *Church* and  
*State*, *Our selves* and *Fami-*  
*lies* ?

Are the *Talents* of our  
*offices*, our *Gifts*, and our  
*opportunities* of doing good,  
at *our own disposall* ? are the  
*shriecks* and *cries* of the  
*Souls* of our *people*, of our  
*wives* . and *children* hanging  
upon us, easily answered, or  
the *importunity* of *Friends*,  
the *Reasonings* of *Brethren*,  
the *perswasions* of all the E-  
minent *forreign Reformed*  
*Divines*, the *Authoritie* of  
long continued *Custome* in  
our own *Church*, or the *Laws*  
of the *Land*, can all these no-  
thing

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*thing prevail? What shall we say to these things? if it be sinful to conform, declare wherein: if not, but some smaller matter hinder us; I cannot but remember then that he that died of the Bite of a Weasell, lamented that it was not a Lion.*

*I speak as unto Wise men, Judge ye what I say; and the God of Truth and Peace be with you. Amen.*

THE



T H E  
Grand Case.

*Whether it be lawful to declare, as is required by the late Act, Entitled an Act for the Uniformity of Publique Prayers, &c.*

Resol.

**I** Fear, there are *some* that question the very *lawfulness* of the Book of *Common-prayer* : so few sheets of paper may not be thought to attempt so great a *Task*, as their satisfaction.

Yet, hearing that many *Moderate Brethren* do now *check*, who had resolved to conform, had not these *Declarations* been required, out of my tender affection to  
C them,

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them, as also my desire of the good of the Church (which, I cannot but believe, may be much advanced through their Conformity) I have taken this encouragement, to offer my Reason, why I conceive, that such Ministers as could otherwise have conformed, may lawfully declare in order thereunto, as by the said Act is required.

That we may distinctly, and thoroughly judge of this weighty point, we shall set before our eyes both the Declarations in their own words (for there are two of them) the first we have in page 73. and the other in page 77. of the Act as it is now printed : they are as followeth.

The first is thus.

**I** A.B. do here declare my unfeigned Assent and Consent to all and every thing contained and prescribed in and by the Book Entituled, the Book of Common-Prayer and Administration of the Sacraments, and other Rites and Ceremonies of the Church, according to the use of the Church of England, together with the Psalter, or Psalms of David, pointed as they are to be sung or said in Churches ; and the Form or Manner of Making,

## about Conformity.

Making, Ordaining, and Consecrating of  
Bishops, Priests and Deacons.

The second is thus:

**I** A. B. do declare, that it is not lawfull  
upon any pretence whatsoever to take  
Arms against the King, and that I do abhor  
that Traiterous position of taking Arms by  
his Authority against his person, or against  
those that are Commissionated by him: and  
that I will conform to the Liturgie of the  
Church of England, as it is now by Law  
Established. And I do declare, that I do  
hold there lies no obligation upon me or on  
any other person from the Oath, commonly  
called the Solemn League and Covenant,  
to Endeavour any Change or Alteration of  
Government, either in Church or State;  
and that the same was in its Self an un-  
lawful Oath, and imposed upon the Sub-  
jects of this Realm against the known Laws  
and Liberties of this Kingdom.

These are the Declarations: we pro-  
ceed to consider each of them, in their  
several Branches. Touching the first,  
the Case is.

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## CASE I.

*Whether it be lawfull to Declare in the Words of the first of these Declarations?*

### Resol.

**T**HIS Declaration hath two branches. The first is about the *Liturgy*; the last, about the *Book of Ordination*.

1. Touching the *Liturgy*, we are to declare in these words. *I do here declare my unfeigned Assent and Consent to all and every thing contained and prescribed in and by the said Book, Entituled the Book of Common-Prayer, &c.*

2. Touching the *Book of Ordination*, we are to declare in these words: *And the Form or Manner of Making, Ordaining and Consecrating of Bishops, Priests and Deacons.*

3. Now give me leave to ask, what can possibly render it unlawfull for such as can conform without it (for such I deal with) thus to declare?

4. As for the latter branch, touching the *Form or Manner of Making, Ordaining, and Consecrating Bishops, Priests and Dea-*



## about Conformity.

**Deacons**; this, most that have **Living** have **Subscribed** already at their **Ordination**, and read their allowance of, openly, to their several **Congregations**, upon their **Induction**: besides, had not this been required in the **Act**, who knows not that no conformity without **subscribing** and **reading** the **Nine and thirty Articles**, in one of which we declare the same, could legally suffice? Yea, who sees not the weakness of such a pretence of future conformity, if this part of the **Declaration** had not been required; which indeed is no new thing, nor such, as any one without self-abuse or self-delusion could possibly expect should not still be required; or (truly I think) without dissimulation or abuse of the world, could say, they intended to have conformed had not this been required?

5. But I perceive the first part of the **Declaration**, touching the **Liturgy**, bears the greater burthen of exception.

The words are, I do here declare my **unfeigned assent and consent** to all and every thing contained and prescribed in and by the **Book**, Entituled the **Book of Common-Prayer**, &c.

6. But did you indeed intend to have

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formed had not this *Declaration* been required, what can hinder you *thus* to declare? viz. that you do assent and consent to that which your selves did intend to practice? and that *this* your assent and consent to your own intended practice is not Hypocritical, but unfeigned? certainly, this is all that is here required.

7. Perhaps, the long *Title* of the Book affrights us. But if there be more then in the *Book*, we have nothing to do with that: for we are only to declare for every thing contained in the *Book*: but if there be not, then we that embrace the substance, have no reason to be scared with the shadow; or to scruple at that in the *Title*, which we can use in the *Book*.

### Object. 1.

It is objected, that there are several expressions in the *Book of Common-Prayer*, that though we could safely read them, yet we do not so heartily like and approve them, as we seem to be required to declare.

Ans.

## about Conformity.

7

It object of your assent & a poor reason objection or raye delation of  
 for reading, for at ye young an objection in ye words, & ye very words, found  
 was (differently worded) and  
 in ye Book from which a man **Ans.** It of ye is a liberty your conscience  
 that is expression he should quickly hear of. It is held by say. and to

1. Do not force an *Edge* upon the *say* we read  
 words, to wound your selves. Look well <sup>thoroughly like</sup>  
 upon the *Declaration*, and you will find <sup>approve</sup>  
 that the object of your assent and consent <sup>as it forms</sup>  
 is not the *words*, but *things*; not every <sup>given</sup>  
 word, but every thing; not every thing <sup>to be an in</sup>  
 as there expressed, but every thing con- <sup>your assent</sup>  
 tained in the expressions, and prescribed <sup>to</sup>  
 in and by the Book of Common- <sup>all e. say</sup>  
 Prayer. <sup>your own</sup>  
 not byborn (it) a contradiction, as I say: <sup>cannot</sup> <sup>to me</sup> <sup>to say</sup>  
 I hear by approb

2. Yet, if you can conform to the Book <sup>you</sup> <sup>say</sup> <sup>it</sup>  
 I hope you can read the *words*; and if <sup>thoroughly</sup>  
 so, I hope you can assent and consent <sup>to</sup>  
 unfeignedly to the lawfulness of the *Action* <sup>for</sup> <sup>glory</sup> <sup>done</sup>  
 which your selves perform: and this is <sup>in</sup> <sup>the</sup> <sup>lawfulness</sup>  
*all*, as more fully I shall shew presently, <sup>in</sup> <sup>the</sup> <sup>lawfulness</sup>  
 that is here required of you to de- <sup>clearly</sup>  
 clare. <sup>amino.</sup>

### Object, 2.

But though we can use the *things*, yet  
 it is only for peace sake, and obedience to  
 Authority, &c. and not because we  
 would chuse, or can absolutely approve of  
 the things in themselves.

C 4

Ans.



at Res. bily mounbment. efo at yetted to, only conformity to what  
And of mounbment  
my with Rand. 8-  
about Conformity. all qth, yfely abasat  
mobed.

non-Prayer, our Governours expect no more, for their Act hath its end.

3. Thus we are left free to compare the effects and consequences of our conformity, and Non-conformity: of obedience to the Act, and our disobedience; and if we can but comparatively approve of conformity, that is, with respect to its conveniencies above Non-conformity; and consequently of every thing to be conformed to upon the like grounds, we may safely declare our assent and consent to the same, in the sense of the Act.

4. For doubtless, our Governours intended we should use those means they offer us, for the same end themselves proposed. Seeing, therefore, by the Act, they intend, and require uniformity; and seeing also, that they threaten such as will not thus assure them that they will conform, with the loss of their Livings, &c. and lastly, seeing all such penalties are annexed to Law, on purpose to move us to active obedience; what remains, but that we are allowed thus to reason. Here is such a Declaration required by Law, and such a severe penalty annexed, for all that disobey it: though I could rather have liked the Book of Com-

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Common-Prayer, if such and such things had been altered; yet rather then lose my living, and therewith, all legal opportunity of serving the Church, rather then shew myself cross and disobedient to Authority in lawful things; rather then ruine my self and family for a thing indifferent, though, in it self I judge it is inconvenient: I do chuse to be obedient and conformable; and in order thereunto, upon these grounds I declare my assent and consent unfeignedly to every thing to be conformed unto.

Is not unfeigned as 5. Indeed, had the word [Free] been in the Act instead of [unfeigned] there had been more colour of this Objection.

Therefore, out of a vile design, I fear, of some male-contents, that can more freely consent to our common calamities, then our common Prayers; it is buz'd up and down, perhaps, not without feigning, that our Free assent and consent is required. And that thus we are to declare, that we chuse these things for themselves, and of our own accord. Whereas the word Free is not at all mentioned, and so the whole ground of the exception faileth.

6. But for the perfect removal of any doubt, I suppose if not impossible, at least any doubt, and will hardly shew them that our assent is not as no free consent to be raised.



that which we our selves either do, or  
 can use. And, as if our Governours had pur-  
 posed to make this their meaning as  
 plain as the Sun, they have at least  
 twice more given us the same interpreta-  
 tion of those words. In page 74. such  
 as are hereafter inducted must declare  
 their unfeigned assent and consent. To  
 what? why to the use of all things there-  
 in; that is, in the Book of Common-  
 Prayer contained and prescribed. But  
 how and after what manner? why accor-  
 ding to the Form before appointed; that  
 is, in the Declaration. The like we have  
 again, page 83.

9. Of that which hath been said this  
 is the Summe; the Act, in this first De-  
 claration requires, that we declare our  
 unfeigned assent and consent to the use of  
 every thing in the Common-Prayer, and  
 the Form of Making, Ordaining, and  
 Consecrating Bishops, Priests, and Dea-  
 cons. We suppose the brethren we now  
 reason with to have purposed to use  
 the Book of Common-prayer, had not  
 these Declarations been required: and  
 the Form of Making Bishops, Priests and  
 Deacons, they have, or must have sub-  
 scribed



scribed, and read their assent and consent unto it, had this Declaration *never been* required. Therefore I hope there is nothing of *Conscience* remaining in these my brethren, to check any longer at this Declaration. I shall therefore passe on unto the other.

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CASE II.

*Whether is it lawfull to declare in the words of the second Declaration?*

Resol.

I. **W**Hen *Alcibiades*, a young Gentleman of *Athens*, was afraid to speak before the *Multitude*, *Socrates*, to put him in heart, ask'd him, fear you such a one? and names one of the *Multitude* to him; no, saith *Alcibiades*, he is but a *Trades-man*; fear you such a one, saith he? and names a *second*; no, for he is but a *Peasant*; or such a one? and names a *third*, no, for he is but an ordinary

## The present Case

ordinary Gentleman. Now, saith So-  
crates, of such as these doth the whole  
Multitude consist.

2. I confess, there are an heap of se-  
veral things required in this *second De-  
claration*: And perhaps, their *multitude*  
may somewhat scare us. Yea, hence, I  
have reason to believe, that some are  
offended that hardly ever read, much  
lesse examined the *particulars* of it.

3. But be not afraid, draw neer, and  
take the *Declaration* into its parts, and  
consider of them *one by one*: its possible,  
they may not be so formidable as we are  
*apt of our selves*, or as others would have  
us to fancy. Its possible we may *thus* re-  
ceive encouragement, with *Alcibiades*,  
and finde a way to *escape the Temptati-  
on*.

*This Declaration* concerns three gene-  
ral heads. *Taking Armes* against the  
King: conformity to the *Liturgy*: and the  
Oath, called the *Solemn League and  
Covenant*.

5. In the first part of this *Declaration*,  
concerning the *taking Armes* against the  
King, we are required to *declare*; First,  
that it is not lawfull upon any pretence  
*whosoever* to take Armes against the King.

Secondly,

Secondly, that we abhor that Traiterous position of taking Arms by the Kings Authority against his person, or against those that are Commissionated by him. Accordingly there arise two Cases.

*This is it refuse the make for distinction. Do not start at my but are ready to profess (it is they who did take up anything) what they say. CASE III. was constantly denied by the phurient in all your deliberations, & protestations, & by the King in your relevant to self) but for the King. So they do it utterly in*

**Whether it be lawfull for us to declare, that it is not lawfull upon any pretence whatsoever, to take Armes against the King.** *Patell for*  
*substantly so to do*  
*will now as it*  
*is by law done*  
*much a traitorous position. so to offend with God will*  
*fought before to abhor both by scripture, by the oath of allegiance*

**Resol.**

*and superintend by your solemn*  
*to be a traitorous self.*

1. **E**ither it is lawfull to take Armes against the King, or it is not: if it be granted that it is not, what should hinder us from declaring it, when by Law (as now we are) called to do it? but if it should be thought lawfull, I must demand by what Law?

Tis but a subterfuge to speak of the Law of Nature, while the Law of Scripture and the Law of the Land have undertaken the Case.

3. Now,

## The present Case

3. Now, what saith the *Scripture*? Surely it gives not the least colour of encouragement for it, except *Obedience* and *Submission*, and that for *conscience*, and the *Lords* sake, be *taking Arms*.

4. Again, if the *Scriptures* may be thought too *General*; let the *Laws* of the *Land* be examined. I question not whether they were not *sufficiently* plain in the *Case* before: yet *now*, certainly they are above all *Contradiction* or doubt. I mean by the *late Act* for the *Safety* of the *Kings* person, where we may learn in the plainest manner, that it is *Treason* and *Rebellion*, and unlawfull enough upon any pretence *whatsoever*, to take *Armes* against the *King*.

5. Such as I now deal with do at the most, onely doubt, whether according to the *constitution* of this *Kingdom*, the two *Houses* are not a power co-ordinate with the *King*: and the *King* and his two *Houses* being at *variance*, whether they might not *side* with the *Parliament*, even to the *taking Arms* against the *King*: but if this were a doubt *before*, it is not possible it should remain so *still*; all colour of it being wiped away, and that *Controversie* as perfectly determined

mined as an Act of King, Lords and Commons, can possibly do it : as appears in the Act forementioned, for the safety of the Kings person.

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CASE IV.

*Whether is it lawful to declare, that we do Abhor that Traiterous position of taking Arms by the Kings Authority against his person, or those that are Commissionated by him ?*

Ans<sup>w</sup>.

1. **I**F this be indeed a *Traiterous position*, who doubts but that every true Subject is bound to *abhor it*? and being lawfully called thereunto, so to declare.

2. That this is a *Traiterous position*, I need not say more then what I just now said in answer to the last Case. Namely, that however it came to be disputed  
D before,

before, it is now plainly determined to be so by the said *Act* for the safety of the Kings person; and it being declared by *Law* to be a *Traiterous position*, it ought so to be reputed: and by this *Law* also, it being so required of us, it ought to be declared against, and abhorr'd accordingly.

3. So much may briefly suffice for the first general in this Declaration. The second, touching *Conformity*, offers now to be considered. This we shall pass with a quick dispatch, that we may hasten to our main design, the discharge of the Covenant.

The Case about *Conformity* in short is this.

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## about Conformity. 19

The 2d of conforming to the Liturgy hath been differently disposed  
 & referred according to the just of non conformity. The first of  
 is y<sup>e</sup> (if y<sup>e</sup> be any thing) any one thing in it either shall or

### CASE V.

whether they do or not declare y<sup>e</sup> conformity as usual and constant  
 to it or y<sup>e</sup> practice of it.

*Whether we may lawfully declare, that  
 we will conform to the Liturgy of  
 the Church of England, as it is now  
 by Law established?*

### Resol.

1. **F**irst, it seems there is no longer  
 any ground of doubt, whether  
 the Liturgy be established by Law, i. e.  
 the Law of the Land.

2. Secondly, neither, have we any  
 reason to question, whether it be against  
 the Law of God, seeing our Brethren,  
 whom we are now treating, are sup-  
 posed to acknowledge, that they would  
 have conformed unto it, had not these  
 Declarations been required; which I  
 know they would not have done, had  
 they thought it to be contrary to the  
 Law of God.

3. What then can obstruct this  
 part of the Declaration, with brethren

## The present Case

so *well prepared* for it ? this only calls them to pass their former *intention* to conform into a *promise* that they will do so : and to declare that, for the satisfaction of *Law and Authority*, they will do that which they acknowledge they can do with satisfaction to *themselves* : and which, also, they confesse they would have done, had not they received this *dissatisfaction* from the *Declaration* : which yet we see vanissheth before us.

### Of the Covenant.

1. **B**Ut the great *Mountain* is yet to be removed : some say, they are called to declare *against*, and to renounce the *Covenant* : or, as some that would scare *themselves* and *others* from Conformity, to *abjure* and to *unswear* the *Covenant*: and this, they complain, is too hard for them, they cannot do it.

This is, I confesse, a very tender *point*, yet such, I hope, as the most tender *Conscience* need not fear to be *pricked* with it, if warily handled. I mean, if we be not frightened away from it, or stand



stand not at too great a distance: but with a sound and impartial judgment draw neer unto it, and look well upon it, and consider after what *manner* and in *what words*, we are indeed required to declare *against the Covenant*.

2. Under this head, there are *three* members of the *Declaration* touching the *Covenant*. Something is to be declared against its *obligation*. Something against its lawfullness *in it self*; and something against the lawfulness of its *imposition*.

3. We proceed to weigh them, *one by one*, with all *seriousness* and *fidelity*, in a *particular* examination of the *three Cases* that offer themselves in the very *words* of the *Declaration*.

The first, touching the *Obligatory* force of the *Covenant*, is in the *Declaration* apparently limited to the *alteration of Government*, and is this.



Secondly, that the *Covenant* in *Que-*  
*stion* doth not bind to an endeavour  
 to alter or meddle with the *State-Gov-*  
*ernment*.

Thirdly, that the alteration or extir-  
 pation (as the word is) of *Church-Gov-*  
*ernment*, being the *main* business of the  
*Covenant* (as the *Covenanters* plea hath  
 granted) if this main business of the  
*Covenant* be *lawfull*, it doth so far binde  
 those that have taken it, if not *lawful*,  
 they are, at least, so far discharged,  
 and not under the obligation of it.

Fourthly, tis accordingly, therefore, if ye mother of ye  
 in plainest terms, again and again *covenant* & not  
 granted us, both by Mr. *Crofton*, and *but in the*  
 the more Moderate and Learned *Author* *unlawful*  
 of the *Covenanters* plea, wherein *author* it first way  
 indeed they concur with all *Casuits*, *unlawful* & so fur  
 that, if we can discover anything ur- *capable* of oblige  
 lawful in the matter, especially this *lawful* but for y  
 main matter of the *Covenant*, it was *propose* for we  
 so far void *ipso facto*. *propose* not only  
*main* matter of the *Covenant*, it was *government* to  
 so far void *ipso facto*. *lawful* but  
*main* matter of the *Covenant*, it was *lawful* but  
 so far void *ipso facto*. *lawful* but

5. For the proof of this, they cry  
 aloud for our strong reasons. Such as I  
 have, I shall now crave leave, with a  
 sincere and humble hand, to offer to  
 my Brethren.

D 4 6. Here

for any to *chirp* at ye *government* (supposed *unlawful* & *not* *lawful*)  
 when it is *lawful* & *not* *lawful* to *meddle* with ye *government*  
 as *found* may be *lawful* & *not* *lawful* & *not* *lawful* & *not* *lawful*  
 ye *main* to ye *main* from ye *main* to the *main*.

6. Here I must pitch; and my work, in short, is to prove, that the *Covenant*, so far as it engageth the takers of it against *Church-Government*, and for the extirpation or *change* of it, is *unlawful* and *sinful* in the *matter* of it.

7. But give me leave to fix my foot  
in a plain distinction. The *Res jurata*,  
the thing Sworn or Covenanted to be  
done may be either such as is unlawful  
simply, and absolutely unlawful for  
any to do, or *quod ad nos*, when though it  
be not sinful in the primary considera-  
tion of it; yet to such and such persons  
it is sinful; for it cannot be denied,  
but that some things are lawful and  
laudable in themselves, and for some  
persons, (as to execute justice, to di-  
spence the publick Ordinances, to bear  
the Ark, &c.) which are very unlaw-  
ful for others not called thereunto, to  
meddle with all. for your information.

[illegible]

Prinzipal der Sache ist, dass die Welt nicht so ist, wie wir sie sehen. Es ist eine Illusion, die wir uns selbst erschaffen haben. Die Welt ist, was wir glauben, dass sie ist. Und das ist die Wahrheit. Die Welt ist, was wir glauben, dass sie ist. Und das ist die Wahrheit.

It is not a very good idea to have a very large number of people in the same room. It is better to have a few people in a few rooms.

6. for  
page  
up-  
for

9. Indeed, the immediate question, and that which most *nearly* concerns the *Covenanters*, is not whether the thing sworn be *in it self* lawful, but whether it be so *to them*; and whether this guilt lieth not on them, first to *purpose*, and then to *swear to sin*, that is, to do that which some way or other *God hath forbidden* them to meddle with; for to them *to whom* it is forbidden, it is as if it were unlawful *in it self* (as the *Ap- ple* to our first Parents) and as it is unlawful for us, it goes into the *matter* of the Covenant which we take; and by consequence that which is *only* unlawful *to us*, if sworn, doth make that Oath, as ours, unlawful in its self, that is, in the *matter* of it. 9 by his favor ye first question concerning your next

10. Therefore, I shall not need to dispute, whether the Government of our Church be *so necessary* by a *Jus divinum*, and the word of God, as that it is *unalterable* by the power of man, or that it is *sinful in it self* to endeavour the alteration of it. I chuse rather to come as neer my Brethren as I can,

[illegible]

and to argue from the latter branch of the distinction, according to which, my Task is to prove, that it is unlawful for such as took the Covenant to endeavour a change of Church-Government by vertue of that Covenant. Which may the plainer appear, if we consider the persons that took the Covenant, either as single persons, and one apart from another, or as united in the great body that at first took it.

Upon each of these we shall now proceed. all yet he industriously waxes to respect his own interest may be an imputable fault (yet) to us is no lawfull right of ours at present it cannot assist us, or furnish us with

It matters not of all in yet of or others was imposed & taken by a body in parliament or by single persons or by the king himself

### CASE VII.

Whether any private or single person can lawfully endeavour the alteration of Church-Government by vertue of the Covenant.

It being a necessary duty concerning all of us more or less, as it may and must be done by every one single & by the whole

Resolved. That it is not lawfull for any single person to endeavour the alteration of Church-Government by vertue of the Covenant. This seems to be much the proper Case, seeing the Parliament it hath may be made not only when it is yet in the hands of a private

# about Conformity.

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self, that first imposed the Covenant, are now dissolved into private persons. Yea, though some of the same Members, and many of the same Lords, may possibly sit in the present Parliament, yet as to that Parliament that is gone and dissolved so long since, they are but single and private persons: therefore, if the Question be of any obligation that may be thought to be now on them, from any thing they did in the Long Parliament, it must concern them as so many private or single persons, members of the Kingdom, and not of the Parliament.

2. Now, for any such to stand engaged by a publique Covenant against a settled Government (as the Government of the Church is) and accordingly, to endeavour the extirpation or change of it, is palpably sinful, both as such a Covenant, and such endeavours, are directly against the Rights of the King, the Laws of the Land, the privileges of Parliament, the Liberty of the Subject, and the former obligations which lay upon the Nations: as will appear every one in his own order.

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*Authority, for he is the Supream Executor of the Law ; and all inferiour officers are but his Commissioners to execute that government, in which he is alone the Supream Governour, as we swear him to be , both in Church and State.*

Now take away the *body* of Governours, the *Head* must needs fall; and if all *Inferiours* be removed, where will the *Supream* be?

\* But that which *fits* the argument indeed, is this, to be engaged *constantly* to *endeavour* (as the word in the Covenant is) to *extirpate* the Government of the Church, doth directly *oppose* us in the *whole course* of our lives, and that in the very *sence* of the *Covenanters* themselves, against the *Kings Government*; As none can deny the Government of the Church *politically* considered to be, and against the *Kings commissioners* in the said Government. *Ch. W.*

In so much, as they must either *re-*  
*sist* it, by violence and *Armes*, as they  
have occasion ; or at least not *own* it,  
not *submit* unto it, nor yield it any  
*active obedience*, yea, as more anon, *pray*  
against it, *preach* against it, and every

the system of the printed oblong by the self-way  
titled "The"

of this matter & able person to provide any more questions. if you had to  
and cannot be treated both opposite to the forms of government  
may who & range of our affairs you had indeed spoken for

39 *god. but y<sup>e</sup> and e about* **The present Case**

way *disown* it, revile it, *undermine*, and watch all occasions to *ruine* and *extirpate* it, according as they stick not to say, they are engaged by the *Covenant*; If this be not *inconsistent*, or at least *incongruous*, *unsuitable* to the *state* and relation of *Subjects*, and apparently against the *Right* of the *King* and his *Authority*, *whose government this is*, I humbly expect reason to the *Contrary*.

Secondly, the Matter of the Covenant is thus also against the Rights of the Kings Prerogative, as Legislator, as well as against the Right of his Authority as Supream Governour.

I argue not from the *imposition*, or from the *taking* of the Covenant without the *King*; which, indeed, were both against his *prerogative*; but as my Argument at present requires, from the *matter* of the Covenant specified; as engaging Subjects to endeavour the alteration of Government without the *Kings consent*.

Whether, the Government sworn against be established by Law, we shall examine anon, at present 'tis enough,

obtain as a frame in your way with to the opposite, and  
out of frame.

in the following first words as given in the preceding table of  
the whole of the first word of the subject after the

31

Now it is well enough known to be

And it is more than *apparent*, that

the

1. The first is the fact that the *Chlorophyta* are not a monophyletic group. The *Chlorophyta* are a paraphyletic group, meaning that they do not include all the descendants of a common ancestor. The *Chlorophyta* are a paraphyletic group because they do not include the *Charophyta*, which are the closest relatives of the *Embryophyta*. The *Chlorophyta* are a paraphyletic group because they do not include the *Charophyta*, which are the closest relatives of the *Embryophyta*.

but as Crofton hath told us yett the same can be produced without yr. trouble  
and remembrance of spiritual butyent a booke that yr. reverence would please  
to send us **32** *of the* **The present Case** *of the* yr. power  
of spiritual butyent. & hope no admitteth this on objection of yr. reverence  
that in yr. govt. of **the plot** were laid to down with the  
a family. **Bishops**, whether the King would con-  
sent or not, or what ere come on't.

*Whether to endeavour thus against the Kings Rights, as obliged thereunto by the Covenant, be sinful?*

Without Question it is; for to Covenant or swear to the *injury* of any is *materially* sinful, and *void of it self*; as if a man should vow he will steal his Neighbours Horse.

No Covenant can take off the force  
of

of the *fifth* Commandment. Honour thy *Father* and thy *Mother*, more then of sixth, seventh, eighth, or of any of the Rest.

It is therefore granted by all *Ca-*  
*suiſts*, that in *iis rebus quæ ſuperioris po-*  
*teſtati ſubjiciuntur*, in all things which  
lie under the power of our *Superiour*,  
this *Condition* is neceſſarily to be un-  
derſtood, in all *Covenants*, *Oathes*  
and *Promiſes*; *ſi iſſe eriam placuerit*,  
if it ſhall alſo pleaſe him that is our  
*Superiour*.

Now nothing can possibly *intercept* the Conclusion, but that either the Government of the Church doth not lie under the *King*: or that the *Altering* of this Government did not concern his *power*: or that he gave his *Consent*, either to the *Covenant*, or to the *Altering* of this Government, but none of all these are true.

First, the Government of the Church is directly and immediately under the King: or *sworne* by us all, to be *Supream Governour*, in all causes and over all persons as well Ecclesiasticall as Civill; and indeed, as as was hinted

before, all Ecclesiasticall Governours politically considered, are the *Kings Commissioners*, and in a plain line of subordination to him. Neither can they be taken from him, or indeed on purpose opposed or disobey'd, without apparent injury to the Supremacy, if not with his *Royall Assent*, and *special Commission*.

Secondly, Neither may this Government be altered, or any thing changed therein, (or indeed any thing els that cannot be altered without Law,) but by the Kings own Act; and the alteration of *Laws* is a thing subject also to the *Kings power*, according to the *Constitution* of this Kingdom, without all dispute.

Thirdly, Neither did the King consent to the Covenant, but, as it is well known, proclaimed his dissent against it, which very thing is thought sufficient to void it.

*Datur Juritatio Juramenti aliquando per Superiores, si in illa ipsa Materia sint Superiores, circa quam Juramentum versatur; sic Parentes: so Parents, Husbands, Masters, Princes may pronounce*  
(faith

*Amesc. de  
conc. p.  
219.*

(saith Dr. Ames) either Oathes or Vowes made by Children, Wives, Servants, Subjects, without their consent, to be void, in those things which are subject to their power.

Therefore, so far as the Government of the Church cannot be altered but by Law, it is under the power of the King, at least, not to alter it; he having a Negative upon both Houses, and consequently his proclamation hath pronounced the Covenant long ago, if this rule be good, which I think none do question, at least so far void.

I wonder that it should be urged, that the King so many years after, in his *Εἰκὼν Βασιλική*, should give his Consent to the Covenant which he had immediately upon its very birth crush'd by his Proclamation.

Yea, so far as his Proclamation could pronounce it void and destroy it, I think it may well be a Problem, whether the Kings future consent could revive it, if it had indeed been dead and buried so many years before.

But in what words did the King seem to consent? he saith it should least dis-

please him that men did keep their Covenant. These words do not expresse his Consent to the Covenant; much lesse, to *that part* of it which concernes Episcopacy: it was far from him to consent to the Extirpation of *that*: but rather as it follows in the Kings words, to preserve (not to extirpate) Religion in purity, and the Kingdome in peace.

**Goven.  
piea.**

Indeed, thus some would wrest *one* Modest expression, against the plain scope of that *whole Chapter* in the *Kings Book*, framed by him on *set purpose* to shew his *dislike* of this *Covenant* to his *death*; as any impartial Reader thereof may *satisfie him self*.

Fourthly, neither can it be said, nor truly is it by any that I have heard of, that the King did ever consent to the *Alteration*, much lesse the *Extirpation* of *Episcopall Government*; he was indeed at last contented upon a very hard bargain, to give it a *suspension* for *three years*; but the sword cut off that *preceeding*, and the *Objection* with it.

## CASE



## CASE X.

*Whether the Govenanting to endeavour  
the Extirpation of Episcopall Go-  
vernment be against the Laws, and  
consequently sinful.*

## Resol.

**T**O swear *absolutely* without *submis-*  
*mission* to the will of the *supream*  
*Governour*, to endeavour that which  
cannot be done, either according to  
*Scripture*, or the Constitution of the  
*Kingdome*, without his *Consent* and *Act*,  
this transports the *subject* beyond his  
*place*, it invades the *soveraignty*, and  
carries *sedition* and *rebellion* in it.

This cannot be denied, though the  
*thing sworne* against be in it self *unlaw-*  
*ful*, especially when such *Covenant* is  
*publickly imposed* and taken; for no  
*publick Reformation* of things amiss  
can proceed without *Tumult*, if not con-  
sented unto by the *King*, who is not

to be frighted to do it by his *Subjects*, in such a manner, of rising up against him by *publick Oathes* ; This is to hurt Majesty, and indeed to do evil, that good may come; and if any shall swear to do it in *their places*, the form of their swearing contradicts the *matter sworn*; for they cannot keep their *places*, and take such an *Oath*.

3. Much more when the thing sworn against is not *evill* in it self, nor contrary to *Gods Word* ; therefore Mr. Crofton and the Author of the *Covenanters* plea would take it for granted, that the Government of the Church by *Prelacy*, as it is in *England*, is so : but neither *they*, nor any *other* can ever prove it.

4. Neither dare *they* say, that either *lawful Authority* may not establish what *Government* they judge to be most convenient, if not against the *Scripture*, or that it is lawful for *Subjects* publickly to swear, that without submission to the pleasure of their *Governours*, they will endeavour to extirpate such *Government* as is not contrary to the *Word of God*. Or that such a *Covenant* is binding upon the *people*, to endeavour against it,

it, or not to submit unto it.

5. Much lesse can it bind the people against such Government, if lawful in it self, and such also as cannot be altered without change of the Law, which lies not in the power of the people to do without the King, especially if the Government sworn against be established by Law.

6. The matter is so plain, as Mr. Perkins hath decided it: That a Covenant taken against the Laws of the Land is void of it self, that it hath put the Declaration before the Covenant, and Mr. Crofton, and especially the Author of the Covenanters plea, upon a task impossible, viz. to make good that the Government of the Church, as in practice in England, is not established by Law.

Cases of  
Consc.

I shall labour on purpose to satisfy this doubt presently; in the meantime, the present turn is apparently served with a plain distinction. We may be said to endeavour against the Laws, and to swear against them, two wayes. Either when the thing we swear against is expressly established by plain Law; or when the thing we swear against cannot be

it is true you cannot  
prove a negative  
if you make good  
it contrary you  
doe ye work as pro  
ut si you are  
guilty is proper for  
you affirmatively in  
human probab

your frame after  
how well not it be  
it seems it is not  
not may be to in  
abolish it pray  
it ought to be  
indubitably must  
by the way to end  
vol. 1. of the  
ye objection of  
some have to say  
they of the  
may not be ob

not son of ye church **E** And w<sup>ch</sup> some adment  
by law established by no law near **abolished** in  
it law is not if it be so poor & yet plain & plain.

*abolished without the Alteration or Abolition of Law.*

8. Now adm't, that there be no express Law appointing this *form* of Government Covenanted against, yet how doth this clear the Covenanters from *swearing against Law*, when they swear to *extirpate* that which cannot be extirpated, *without the violation and alteration of many, very many Laws*. So that this *evasion*, I think, is perfectly obstructed.

9. A little *more distinctly*, seeing, as I humbly conceive, there is much strength in this Argument, to weaken, yea to void the Covenants Obligation, in this particular.

10. I doubt not to assert, that *such an endeavour* to extirpate Church-Government, as was covenanted, is against the *Law* both *antecedent* to the Covenant, and *subsequent*: such *Laws* as were in force *before the Covenant* was taken, and such *Law* as by full and just Authority was *enacted since*. And to conclude, that if the *endeavours* to *extirpate* Prelacy according to the *Covenant* be indeed against the *Law* in  
either

either of these fences, they are plainly  
sinful, and no obligation of the Cove-  
nant can hold us to them. First, then,  
let the Question be put.

# CASE XI.

*Whether the present Government of this  
Church were Established by Law in  
England before the taking of the Co-  
venant.*

I had you taken some bread & consider ye nature of ye laws you  
could find freely in the Resol. for ye right would find wanting  
of a substantial view of ye present constitution of the Church.

1. I Have no insight into the Laws :  
yet there is so much in the very  
Surface of them, for this form of Go-  
vernment, that as I cannot but wonder  
at the doubt, so I am easily encouraged  
to encounter it.

2. Yet give me leave, in the first  
place to stumble at the fallacious use,  
and too weak improvement that I  
find made of this expression [Establi-

but have put ye affix to ye first part of  
yeo have made it then & give you argu-  
ment of a right by law



## About Conformity.

43

establiſhing, yea making' the Law it

5. Truly, methinks, seeing the pow-

6. However, give me leave to venture

1. The *Law* may *establiſh* a thing

people in Paris are in a very able position establish

a foret-remembered  
 in the mid of the  
 ye of pest & ad vint  
 of lord, fourthall  
 we hope for your do not  
 forget lord abbey &  
 lord hardman was  
 pome of ym 2 y 1614  
 will argt a fore-ten  
 neding for bishop  
 wof are yet lord for  
 dgg in ym 1614 will  
 conclude an oth-

slight business of some lord spiritual with a plaintiff & go to the bishop  
of the church by the bishop, bishop  
of the church 44 The present Case

will you stand by you  
what bishop or lord, establish the Government of the Church,  
not only by those special Laws that re-  
late unto it, but indeed, in every Law  
which expresth the consent and ad-  
vice of the Lords Spiritual.

2. Church-Government may be sup-  
posed to be established by Law, either  
in its Office, thus we need not say the  
present form is established by Law; for  
its Office was before ever the Laws of  
the Land medled with Church-Gov-  
ernment; or, secondly, in its politi-  
cal power and the exercise of it: thus  
the present Government, none can  
doubt, to be established by Law: where  
we may read many times over, the fe-  
veral legal names, with their distinct  
Jurisdictions, and the crimes punisha-  
ble by them, and Authority allowed  
them so to punish, and the fees of their  
Courts, yea and the very form and  
manner of consecrating the Bishops  
established by Law.

3. Thirdly, Church-Government is  
establishable by Law either immediate-  
ly or mediately. Immediately, when  
by an express Statute such a form is ap-  
pointed, mediately, when a Statute  
im-  
posed upon it by law. 3 This is said from an established  
by law to be established by law. 3 This is said from an established  
as you may see so this limited regulated restrained by law & Appl  
under the Council of the church & the church but I pray you is it



so established by law y<sup>e</sup> office of poor ma<sup>y</sup> not Power he will  
in his place to receive and abole y<sup>e</sup> of power of sitting by y<sup>e</sup> of power of sitting  
**about Conformity.** 45

impowers a person or persons, to Com-  
missionate Governours for the Church :  
and he or they, by virtue of such power,  
do settle a Government in the Church,  
accordingly.

7. Suppose the present Government  
be not established by Law in the first ;  
tis plainly so, in the second sence : there  
is Statute Law, declaring the King to  
be Supream Governour, over all per-  
sons, and in all causes Ecclesiastical : and  
there is Statute Law that gives him  
Power and Authority, or rather (accor-  
ding to my Lord Cooke) declares him to  
have power, to appoint and impower  
his Commissioners in Ecclesiastical mat-  
ters. And we know, Church-Gover-  
nours derive their political power, and  
the exercise of it, from the King alone,  
from time to time accordingly.

8. For the Common Law, common  
usage which is Common Law, will no  
doubt plead prescription, and establish  
this form of Government over us. A  
Government (as a very learned man  
affirms) may be established by Law, as  
well by consent and submission on the  
peoples Part ; as by expresse suffrage :

no man will say it is refused and yet the law  
in y<sup>e</sup> present situation y<sup>e</sup> law is established to operate an edic-  
ment for a Roman usage.

**Quid**

*Quid interest suffragio populus voluntatem suam declaret an Rebus & factio?*  
Jul.

Thus we have found the *Covenant* to be against a Government that was *established by the Laws of the Land*, before it was *imposed or taken*, and in that sence, against the *Laws of the Land*, and consequently so far *sinful*, and not *obliging*.

10. But however *this* will passe, certainly there is *Law made since the Covenant*, that is *plain enough*, and will surely *hold us*: none can encourage any further doubt, but that the present *Church-Government* is so far *established by the Act for Uniformity*, as that it *requires every Minister to declare*, that he is not *bound to endeavour a change of it*.

11. So that if the *Covenant* should be yet *binding on us*, to *endeavour a change of this Government*, it should oblige us to *violate the Law*, and consequently to *sin*: therefore, whatever we thought before, we may be satisfied that the *Covenant* cannot oblige us so far now, *viz. contrary to express Law.*

*Law.* But we shall put the *Case*, and examine it more at large.

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CASE XII.

*Whether a Covenant taken first, can oblige us against a future Law?*

Resol.

1. **T**His Case being weighty, and indeed much *our own*; I shall set my self, with all *sincerity*, as in the sight of God, to give it a full and clear *resolution*, according to the best of my own *reason*, and the judgement of *uninterested and learned Casuists*.

2. That *Episcopal Government* is restored by *Laws* made since the *Kings return*, viz. in that which was taken from it, its place in the Parliament, and its former *Jurisdiction*: also, that this present Church-Government is so far *established* by the *Act* for *Uniformity*;

ty; that it is expressly owned and allowed; that so much as *endeavours* against it are *prohibited*, that it is no less then the *loss* of our *Living*s, not to *declare* that we are not bound to *endeavour* the *alteration* of it. These things are plain enough.

3. The *great* question here is, whether *these* *Laws*, made in the behalf of Episcopal Government, *after the taking* of the *Covenant* against it, can discharge the *Subjeſts* from the *Obligation* of the *Covenant* so far.

4. To this I do not fear to answer (Episcopal Government being in *it self* not *sinful*) in the *affirmative*: neither do I find any noted *Casuiſt* to contradict me.

5. The sum of my reason for the affirmative you have in this plain *Argument*.

*Prop. 1.* The *Covenant* to do that which may become *unlawful*, cannot bind, when the thing sworn (*abstracted* from our *Covenant*) is become *unlawful*; for then the *Covenant* becomes a *bond* of *iniquity*, and should bind beyond that known and generally approved *rule*, that

that no Covenant binds further, and therefore not longer, then we lawfully may; and in the words of the Covenanters plea, make us debtors to hell.

6. I am far from the Opinion of Navarr, Sylvester, Layman, and those that affirm that no man is further bound by an Oath, then he would have obliged himself if he had foreseen the ill consequences of it; which is indeed in their latitude a very dangerous rule, and plainly destructive to humane society.

7. Yet no Casuist, but with Sanchez, will allow the Rule, when thus limited; that what would at first have hindred our obliging our selves, had it been foreseen, or had it first hapned, will also discharge us, when known or come to pass, from the obligation to the performance of it, if it be by reason that the matter is *inhabilis ad producendam obligationem*, that is, if the thing become unlawful, and consequently weak and unable to produce an obligation, as before.

But to Covenant to endeavour the Prop. 2, extirpation of Episcopal Government, though it might be thought to be lawful

to do then, yet *now* it appears it was to Covenant to do that which *might* become *unlawful*, viz. by the *Laws*, restoring that Government, and prohibiting all *endeavours* for the extirpation or alteration of it.

2. Therefore, if it did oblige so far *before*, which cannot be granted, yet it can *now* oblige so far no longer except it have *power* beyond *Authority*, and can warrant *disobedience* to the *Laws* of the Land.

3. The *reason* of the whole lies in that excellent *Rule* of Dr. Ames, a Rule not questioned by any that I have heard of. *De Rebus ita Mutabilibus, ut rem promissam faciant illi citam, subintelligitur, si res in eodem statu permanferint*, that is, in the fairest and most unexceptionable interpretation, if the *change* of the state of things do not render the thing *sworn* or *promised* *sinful* or *unlawful*.

4. Now it may be worth the examining, what *unlawfulness* can *de novo* be contracted by the *change* of the state of things *mutable*?

5. Certainly not an *unlawfulness* from

from any immediate prohibition of God : for then, either the thing could not be lawful, or in that sence mutable before ; and the promise had been sinful *ab initio*, whereas Dr. Ames supposeth the contrary, and giveth *this* among the rest, as a condition of a lawful Oath : or else, it must be made unlawful by special revelation, which is absurd to suppose : especially seeing Ames makes the changableness of the things and the state of them a possible instrument of changing things before lawful, and lawfully sworn into sinful, and such as can no longer be obliged unto.

6. What then remains, but that this Rule refers to the laws of men : which indeed have power to change the state of things *indifferent*; and to make them, as to us, and as to their use, though not in themselves, either sinful or necessary.

7. So that, the meaning of the Rule is, that when we promise or swear any thing, that is lawful, if it be of a mutable nature, and the contrary to what we swear may be commanded by Authority; we are onely to perform it, with this condition, if things remain

*in the same condition ; and the command of Superiours or the Law of the Land do not prohibite, and make it unlawful for us to do.*

8. Thus, admit that Episcopal Government was *res indifferens*, and *res mutabilis*, when men swore against it : yet to perform that Oath is now become unlawful, by the *intervention* of new Law, and our duty to Superiours, which no former Oath can *supersede*. for according to the Rule, the Oath cannot bind in things of so mutable a nature, without this condition, *si res in eodem statu permanferint*, if the things sworn do no way afterwards become sinful.

Object.

The proposal of an *Objection* wherein we have all that can possibly be urged against this Rule, may give some advantage to our further clearing this weighty matter : it is this. It may be thought, that God by the virtue of the Covenant hath the *first obligation* upon us, how then can the Law of man, made afterwards, take that off ?

Ans.

This is prevented in the very Rule it self ; for we cannot be bound by any  
Covenant



Covenant about such *mutable* things, without this condition be understood : and whatever we think we give unto him, God will accept no <sup>a</sup>*bond* from us, without this *condition*, that it be to the *prejudice of none*, much less of *Superiours*.

2. And who sees not, how great a *prejudice* this must needs effect to *Authority*, if an Oath taken by Subjects about things mutable should have power to suspend all *future Laws* to the contrary for ever ?

3. Indeed, God hath the first obligation upon us, ( but we mistake wherein ) not by the *Covenant* mentioned : by his *own Law* and the *Covenant* we enter as *Christians* ; that we will honour our father and mother, obey every *Ordinance of man*, and those that Rule over us, and submit our selves unto the *higher powers*.

4. This is such a *pre-obligation* as no *future Covenant* can possibly dissolve ; so that such as make a *Covenant* that shall bind them against the *lawful commands of Authority* do thereby break their *Covenant* with God ; which if

they desire to *renew* again, they have no course left, but to *break off* the sin of their *unlawful Covenant* by timely *repentance*.

5. Seriously considering that we promised in the *Covenant*, that which we have *now*, at least, no power to do: we had not the leave of *future Governours* in taking: and we see their *Laws* and *Rights* will be manifestly violated in the *keeping* of the *Covenant*.

6. We offered that which was *not our own*, which Authority alone hath right and power to dispose of: thus we offered to God what we *stole* from our *neighbour*, or rather affronted and mocked him with a pretence of giving him *more than we had*: for we have not in us to swear, that we will do that for God, which afterwards we cannot do without breach of *Laws*, and offence to *Authority*.

7. Certainly, the *first Table* is never to be kept by a breach of the *second*: God will not be *righted* by the *injury* of our brother; or *glorified*, by *dishonouring* our Father and Mother:

ther : our unrighteousness cannot work the righteousness of God ; nor can we fear God by dishonouring the King.

8. This I conceive to be the true reason of the former Rule, as well as a full answer to the present *Objection*, and a sufficient proof of the present *Argument*. Gods unalterable law is to obey our superiours in things lawful. Things that are now lawful may be forbidden us by *Authority*, and then those things that before were lawful become unlawful : the state of things of this nature is mutable, and how they will change we know not ; onely this we know, we must be subject for conscience sake, and submit to *Authority* for the *Lords sake*.

9. Therefore God having the first obligation upon us, and that being unalterable, no Promise or Oath afterwards can discharge us from that ; and consequently, all Promises and Covenants about things that are thus mutable may be made, or if made can bind, no further then with this condition, if things so continue, and no command from *Authority* be to the contrary.

But I have *something behind*, that I hope may give full satisfaction.

10. There was a *famous Case* betwixt us and the *Jesuites*, much disputed in *King James* his days, that doth fully in all *due* circumstances answer *ours*.

11. It was usual then, as appears by the controverſie, for *Jesuites* to go out of this *Land* and take an *Oath* at *Rome*, according to a certain constitution of the *Pope* to that purpose, that they would *return* into *England* and *publickly preach* the *Catholick Faith* here.

12. Now, because that *some* went out of the *Land* and took this *Oath*, before the *Laws prohibiting* this practice were made, and *some after*: there arose into controverſie *two* notable *Cases* of Conscience: the first, respecting *such* persons as took such *Oath* against the *laws* before made to the contrary was this: Whether *that* *Oath* to preach publickly the *Romish Faith* did binde the persons so sworn, against the *Laws* before in force, to the contrary? The second respecting such as took that

that Oath before the laws to the contrary were made, was this: whether the laws made against that which before they had sworn to do, did not render the Oath, though made before to the contrary, void.

13. Both these Cases are so parallel to ours, they justly require us to take special notice how they were decided.

14. And in earnest, what do our best Divines conclude about them? To the first, it is answered, that the laws prohibiting that which they swore to do, being Antecedent to their Oath: the Oath was unjust from the beginning; *sair. Thes.* for which is quoted those words of *Cas. Cons.* their own Casuists; a law which forbids upon pain of loss of goods, death, banishment, or such like, binds a man upon pain of mortal sin: and thence our Divines conclude, that no Vow can justify the breach of it.

15. But, suppose the Oath be first taken, what say they then? here also they positively and without Hesitancy say, that an Oath cannot bind against a law, though the law be made after the Oath is taken.

Thus

Thus saith a very Learned man, in answer to the *Jesuits*, as to this Case: if *these Laws* which take hold of you, when you return hither, had been made between the time of your Vow, and your returning, yet naturally they would work the same effect upon this Vow of yours, (that is, as if the Law had been made before their Vow) and make it void. He also adds the same reason why, which before we have used, because (saith he) something was now interposed, which may justly, yea Ought to change your purpose.

16. But the *Jesuits* seemed to complaine, that the Laws were made on purpose to interrupt and hinder the performance of their vow, and to make them break their Oath. And hence a third notable Case issued, viz.

17. Whether the Evil Intention of those that make the Laws, namely to make mens previous Oathes void, doth not weaken the force of such Laws; as to the discharging of such Oathes.

The Answer that was given to this, consisted of two branches. 1. That it could not be any evill intention in the Legis-lators, but clearly, the necessities

sities of Church and State, that provoked these Laws. 2. However, though the Laws had been made on purpose to preclude the performance of the vow, yet would they naturally work the same effect, and void the Vow: urging, that their own men teach, that the Laws of Princes are not therefore necessarily unjust and void, because the Prince had an ill intention in the making of them.

Alphon.

Cast.

de potest.

leg.

Dec. 1.

All this, saith that Learned man, if the Lawes be Just, is evident and without question; O that we may find it so.

Vid. Dr.

Don, pscu-

domartyr.

p. 156, 157

The

18. But there is a Notable Evasion, that I must needs take notice of, so many are crowding for an escape at it: they say, rather then break our Covenant, we will submit to the penalty of the Law, and thus we suppose we fulfil the Law, and obey Authority.

Applicati-

on is too

easy.

That we may take the more steady view of it, we will put the Case.

CASE

## CASE XIII.

*Whether a submitting to the penalty annexed, be a due fulfilling or obeying the Law in point of Conscience.*

Resol.

De potest. 1. **C**Arminus tells us, that this Opinion [ that if we undergo the penalty of the Law, we do not sin in the breach of it : ] was the Opinion of some Schoolmen, who thought it a glorious matter, and fit to raise them a Name, to leave the common and beaten wayes; having, perchance, a delight sawcily to provoke, to gnaw, calumniate, and to draw into hatred those Powers and Authorities which made those Laws.

leg. Hum.  
p. 2. c. 2.

2. The ground of this grosse mistake, partly respects the Law-makers : partly, the Nature of the Law it self; and partly, the end of punishment as annex'd to the Law.

3. The mistake arises very much from



from an unjust apprehension of *Governours*, that make the *Laws*: we have not that *Reverence* and *Conscience* of them as is meet for such *Ministers of God*; not considering whose *Authority* they *have*, and *execute* in their *Legislation*: if we did, we should learn to submit unto them for the *Lords sake*, and obey them out of *Conscience*: for they *make Laws*; and if they be not sinful, *God* commands us to obey them.

2. We are also very apt to mistake about the *Nature of Humane Laws*: as if all such as have a *penalty* annex'd were therefore *penal* onely, or *purely penal* Lawes, and left the *Subjects* in a perfect *Indifferency* whether to yield *Active* or *Passive* Obedience, to do, or to suffer what the Law requires or provides.

4. 'Tis granted, that some *Laws* are *penal* *purely*; and if that occasion any doubt about the *present Law*, I cannot give them safer advice, then seriously to peruse the excellent paines of Bishop *Lectur.* of *Sanderson*, drawn out to so much *Consc.* length, upon his observation of the *sad effects* of this *Mistake*, in a most clear discourse

discourse about the Nature of *penal Laws*, and of such as *bind the Conscience*.

5. I believe, there is the more to be studied in this *point*, because I find the Learned Author of the *Covenanters plea* asserting also that how far *Humane Laws bind the Conscience*, is the *main question* in the present Controversie.

6. The said Author of the *Covenanters plea* seems to be a great admirer of that Excellent *Bishop*, and no question but he is acknowledged on both sides, for *Learning, Piety, Prudence, Experience*, all parts requisite for a perfect *Casnist*, as credible as any other the Generation affordeth; and from *his mouth* what person doth not snatch at satisfaction? let us then hear what he saith in the Case.

1. He expressly affirms that no Law that hath a *Command* expressed is purely *penall*.

2. That all *Humane Laws* that are not purely *penal*, do in a sort oblige the *Conscience*: in generall, immediately, and in particular, *ex Consequenti*, from the *Word of God*.

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3. If the matter of the Law be *not* sinful, we are bound to *Active Obedience*; neither may we wittingly *violate*, much lesse *oppose* them, or be *bound* so to do, without sin.

7. To apply this, if the Government be not *in it self* unlawfull: if it be *commanded* to be submitted to, if we are required to *declare* that we are *not bound* to endeavour against it; And lastly, these Laws be *not purely penal*, we are not left *indifferent* by God or the Law, whether we will *obey* or *suffer*, but are bound in *Conscience* to own the *Authority*, and submit unto the *Government*, and *declare* we are not bound by the *Covenant* to *extirpate* or alter it.

8. Indeed, to stick at a *particular* Law of more *private* concern, so far as to *suffer* the *penalty*, and not *do* the thing commanded, might in some Cases, for *private* satisfaction, be held more tolerable; but to hold our selves, notwithstanding Law *expresse* to the contrary, bound by *Oath* not to own a *Government* founded or confirmed by Law, or *Governours* commissioned by the

the King; is such a thing as cannot be excused, (without *expresse warrant* from *Scripture*, which affords it none) by any Rules of sober reasoning before God or Conscience.

9. Indeed, if the *Covenant* have such force as to bind the *Conscience* against *Law*, still to endeavour the *extirpation* of *Episcopacy*; I cannot see, but as it now obligeth *not to own*, or to *Act* under it, will also *compell* to *resist* and *fight* against it, if occasion were offered.

10. Neither can I see any possible means of tying the *hands* and *hearts* of *Covenanters* to *duty* and *peace* (I speak as a *Divine*) but this onely, that they suffer their *Consciences* to be satisfied from *Reason* and *Scripture*, that they first owe such obedience even in *Conscience* to the *lawful Commands* of *Humane Authority*, as no future *Oath* can discharge them from it. And that it is not in their *liberty*, whether to do what is commanded, or to suffer what is threatened, seeing *God* *interposeth* and decides the question, by *determining* us to the first, and requiring our *Active Obedience*

ence to the Commands of his *Deputies*, where *himself* hath not required the contrary in his *Word* before. Submit your selves therefore unto every Ordinance of Man for the Lords sake, whether it be to the King as supream, or unto Governours, as unto them that are sent by him.

Lastly, the mistake ariseth from a false opinion of the *end* of *punishment*, which is properly in all *Laws* not purely penal: the punishment of *disobedience*, and not obedience at all. Indeed God requires us to suffer, rather then to do evil; but Man commands, not to suffer but to do, whom we must obey in lawfull things.

I shall put a period to my Argument (which was the second in order) from the *Laws* of the *Land*, having found the *matter* of the *Covenant* in the *second Article*, contrary to them we may conclude it *sinful*, and so far *not binding*.

II. Yet before I take off my pen, I cannot but acknowledge that some *Popish Casuists* do say, that an *Oath* may bind against the *Civil Law* in

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some Cases; if it be not against the *Divine Law*, the *Law of Nature*, or the *Canon Law*.

The Author of the Covenanters plea would suppose that these *Casui-ists* put in the *Canon Law*, to save their *Infallibility*. But may not we, upon as good grounds, suspect the like *paria-ality* in excluding the *Civil Law*? We are sure *Obedience* in things lawful is with severity enough required in *Scripture* unto *Civil Authority*.

12. But we must observe, that these *Casui-ists* instance generally, in such oaths as are concerning *Contracts* betwixt *Man and Man*; the performance of which hurts not the *publick*; and indeed the *Covenanters* plea mentions no other.

13. But is not a *publick Oath* to alter *Government* of another Order? for *Subjects* to swear to endeavour this, against the *Laws* of the land, the expresse dissent of the *supream* Governour; and to hold themselves obliged hereunto, contrary to an expresse *prohibition* of lawful Authority; Truly, methinks, it is also against both *Divine*  
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and Naturall Law, against Reason and Scripture, which seem to dictate as with a beam of the Sun, that for publick security, Order and Peace, Subjects acquiesce in the present Government, and not rise up, either to swear or endeavour against it, contrary to Law.

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CASE XIV.

*Whether to Endeavour the Extirpation of Church-Government, by virtue of the Covenant, notwithstanding the Laws to the Contrary, be not against the Priviledge of Parliament, and consequently sinful.*

Resol.

i. **W**E have already shewed the sinfulness of the matter of the Covenant in the second Article, as against the Rights of the King, and the Lawes of the Land: we come now to

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consider, whether it invade not the *Priviledge of Parliaments*, and be not sinfull also in that regard.

2. We find it a Rule with all *Ca-*  
*juists*, in *omni Juramento excipitur Au-*  
*thoritas Superioris*, i. e. *quando agitur*  
*de super esse Superioris*: for it is confessed,  
they add, *secus, si non de superesse su-*  
*perioris, sed privatorum*. That is, in all  
Oathes about such things as lie under  
the power of our Superiours, their *An-*  
*thority* is excepted.

3. Nor their Authority already  
exerted in Laws made before the Oath  
onely; but as it may, *de futuro*, and  
afterwards be put forth in any New  
Law, contrary to our Oath. Therefore  
D. *Jacob* gives this instance in the Case.  
*Jurans non exire domo, &c.* A man  
swears not to go from home, yet if he  
commanded by the Judge to appear be-  
fore him, or by the King to go into  
the warre, by obeying these commands,  
he is not perjured.

4. Again, if a man promise another,  
that he will not hurt him, yet if the  
Law requires him to kill him, he, in so  
doing, doth not break his Oath; *quia*  
*illa*

Decision.  
Arca. p.  
173.

P. 174.



*illa promissio non occidendi, intelligitur, nisi lege permittente: because his promise must except the Law.*

5. Hence it follows, though all the *Covenanters* had at first *lawfully* bound themselves by their Covenant to *endeavour* the extirpation of *Episcopacy*; yet *naturally* there must have been this great condition understood, *saving the Authority of Parliaments*, that have power to take up our endeavours of this nature by a *Law* to the contrary, when they please.

6. For, if this *Government* of the Church do lye more properly under the power of *Parliaments* to *establiish, or alter* it: and if it cannot be altered without a *change* of the *Law*, and the *Law* cannot be changed but by an *Act* of *Parliament*: is not the Covenant to that purpose; *de superesse superioris*; and thus, necessarily conditioned with the exception of their *Authority*.

7. *Non valet Juramentum contra justitiam*. But it is against the righteousness of *Obedience*, and the *honouring* of our *Superiours*, to be held bound to act against the *Authority* of our *Law*.

Makers in any *new Law* that they shall make (if the matter thereof be not sinful) by any *previous obligation* whatsoever.

8. This were indeed a handsome trick for *private persons*, to be *all law* (in a short time) *to themselves*, if *private* and *self-obligations* had power to supersede and prevent all the *power of Legislation* in our *Parliaments* to the contrary : and to *change places* with our *Governours*, while thus we are freed from their *impositions*, and they are bound to obey the *obligations* of our *private Covenants*.

9. The *priviledges of Parliaments* are so rooted in the *constitution* of this Kingdom, that a *Parliament* in being cannot, in such a case as this, prejudice succeeding *Parliaments* to whom it is essential, with their head the *King*, to make what *Laws* they please in *things indifferent*.

10. Inasmuch that if the *Covenant* had been *lawfully imposed* by the *Long Parliament*, without the *King*, as indeed it was not ; yea had the *King* himself been *with them*, and made the  
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*Covenant* as *lawful* as *Law* could make it: yet it could not bind the *Nation*, but upon an *exception* of the *power* of *future Parliaments*, that by a *new Law* to the contrary might take off the *obligation*.

11. Therefore an *Act* of *Parliament* made to be *unrepealable* in any *subsequent Parliaments* is void, *ipso facto*, as that in the eleventh, and another in the one and twentieth of *Rich. the second*, was; *these so made* were void, *ipso facto*, in the *very constitution*.

12. Why? because (as a *learned person* saith) it takes away the *very specifical form*, *essence* and *being*, that is, the *power* and *priviledge* of *Parliaments*.

13. Much more an *Act* of *private persons*, or of a *Parliament* without their *King*, that should offer to binde all *future Parliaments* from doing or enacting what otherwise is *lawful*, or engage the *people* not to obey them, must needs be so far a *void Act*, though in the most *Solemn League and Covenant*.

14. Especially, when a *law* by a *full* and *undoubted Authority* is made,

and actually extant to the contrary; not only restoring the Government sworn against, not only prohibiting all actions, yea, and endeavours against it, but requiring us, upon the severest penalty, to declare that we hold we are not bound by virtue of that Covenant, to do or endeavour any such thing.

15. Besides the holding our selves bound by virtue of that Covenant, to endeavour the extirpation of Episcopal Government is, indeed, a continued breach of the privilege of that very Parliament that imposed the Covenant at first; in the injury thereby offered to the spiritual state thereof, the Bishops, when they were neither suffered to be present to answer for themselves, nor to have any others (as all the Commons of England have) to represent them, and to speak for them. *Non valet juramentum contra justitiam & charitatem.*

16. But I find it much stood upon by Mr. Crofton and the reverend Author of the Covenanters plea, that they did onely Covenant to endeavour in  
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*their places, and by lawfull means to extirpate Episcopal Government, and this they hope they may lawfully do, notwithstanding the Acts of Parliament, and without any breach of their privileges.*

17. But hereunto I answer, that if *so* to endeavour as they count they are sworn, be neither unlawful *in it self*, nor against the Act of *Parliament*, tis well enough, they may then keep their Covenant, and not break the *Law*, or the privileges of *Parliament* : but I doubt, we shall find, their *endeavours* which *they* judge *just* and honest, to be *peccant* in *all* the respects mentioned.

That we may discern, whether *so* or no, *we think* it fair to put the *Case*.

CASE

## CASE XV.

*Whether it be lawful to endeavour the  
extirpation of Episcopacy, by virtue  
of the Covenant, notwithstanding the  
Act of Parliament.*

## Resol.

1. **I**T is said, there are more ways of  
*endeavour* then by *violence* and  
sedition: and indeed so there may;  
and if there be any endeavours not  
forbidden by the *Parliament* and *Law*,  
whatever they are, we are not called  
by the *Act* to *declare*, that neither *we*,  
*nor any other* are *bound* unto them; for  
wherein the *Act* doth not require us to  
*declare*, we cannot be *bound* by the *same*  
*Act* to *declare*.

2. Therefore the *endeavours* against  
the Government of the Church, sworn  
in the *Covenant*, are either the *same*  
which the *Act* intends, or *not*: if they  
be *not* the *same*; then, notwithstanding  
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ing the *Covenant*, we may declare we are not bound to *endeavour* in the sence of the *Aēt*, by virtue of the *Covenant*, which never intended so to bind us: but if the *same* endeavours be intended both by the *Covenant* and the *Aēt*, then the *Covenant* so far loseth its force; for, as hath been clearly, I hope, proved, we cannot be bound by it against a law, though that Law, if the matter in it self be lawful, be made after the *Covenant* was taken.

3. I mean, if the *endeavours* to which we are required to declare we are not bound by the *Aēt*, be such only as are *seditions*, and may disturb the *publick*, then either the such endeavours required by the *Covenant* were *seditions* endeavours too, or else this *Aēt* doth not cross the *Covenant* in this particular, but strikes at such endeavours as were not covenanted.

4. If the *endeavours* in the *Covenant* be *seditions*, then they are *sinful*: and we cannot be bound to them; and indeed the greatest friends of the *Covenant* confess so much; if not, then they may declare (as indeed they have

have already in their *Writings*) that they are not bound to endeavour *seditionously* : which is no doubt the meaning of the *Añ*.

5. However, as was said, let the sense of the word [endeavour] both in the *Covenant*, and in the *Añ*, fall how it will; tis plain, that unless it be a necessary *duty*, of it self, without respect to the *Covenant*, thus to endeavour, which is impossible to be proved, tis a *sin* to break the *Añ* made against such *endeavours*, and a duty to declare we are not bound by the *Covenant* so to do.

6. But because stress is laid upon this very word; and indeed much of the Controversie depends upon it; and I find not any that have written upon the *Covenant*, to have distinctly and plainly considered it; I shall take a little liberty to open the meaning of it in a few *distinctions*, and apply them as I pass on.

7. *Endeavour*, is either *private*, or *publique*.

1. *Private* endeavour may be thought to be with God in prayer, in  
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our Closets, when no other person can receive any *influence* against *Authority* from what we say; and the *publique* suffer no danger by them.

In this sence, to endeavour against what we conceive to be *corrupt* or *sinful* in Church or State, betwixt *God* and *our selves* be it: yet a sober, well-tempered, and enlightned *conscience*, if hearkned to, may whisper, that to set our *hearts* and *faces* in our prayers to *God* (who hath said, curse not the *King* in thy *Bed-chamber*, no not in thy *thought*) against *Government* and *Law*, that defends the *substantial*s of *Religion*, favours but little of a *Christian spirit*, and may easily draw the guilt of want of *allegiance* and *charity* to *Government*, and *unwarrantable* boldness with *God*.

8. Yet it may not be out of our way to remember, that *prayer* is a very *unusual* and unacceptable *sence* of *Endeavour*: and that there is nothing more usual with *covenanting Ministers*, as well as others, in their *Sermons* in *publique* to the people, to oppose, or at least to distinguish *endeavour* and  
*prayer*:

prayer : calling them to add their endeavour in the use of other means, for the obtaining the matter of their prayers, or the things prayed for; without which, viz. Endeavour, we say, prayer is but *Muliebre supplicium*, weak and unavailable.

9. And doubtlesse to take the word [*Endeavour*] in the *Añ* in this broad and wide interpretation, without the compasse of ordinary use in our selves or others, is to mak a Net for our selves and others, with a desire not to escape it.

10. For, who can rationally imagine that an *Añ* of Parliament should intend to govern mens thoughts or closets. The end of *Civil Power* is to keep the *Civil Peace*; and what can *Charity* or *Justice* imagine else to be the intention of *Civil Laws* ? private prayers, if amisse, may provoke *God*, and trouble our selves, but they reach not the public peace; Neither can that be presumed to break *Laws* which cannot prejudice the end of *Law*, or be discovered by the *Law-makers*. Therefore, onely apparere is esse in *Jure* : and not  
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to appear to break the *Law*, in the sence of the *Law*, is not to break it.

11. Secondly, there is again *publick* endeavour, and this more or lesse *publick*.

Endeavour *less publick*, is such as though somewhat *privately practised*, hath *publick influences* and effects, or a natural tendency thereunto : This is either *Positive* or *Negative*. *Positive*, endeavour against Church Government, though in somewhat a *private* way, may be of much danger, not onely to the thing endeavoured against, which is *directly* intended by such endeavours, but to the *publick peace* : and be very seditious in its nature and effects. Such are venting our *animosities* and discontent against *Government*, and persons *commission'd* by the *King*, in our *prayers* with our families, and *discourses* with our Neighbours.

12. This is to enkindle a fire, that if of general practice by *Covenanters* scattered up and down, may quickly *inflame* the whole Kingdome.

13. Such a course of *Reformation* as this, though the things endeavoured to  
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be reformed were very *corrupt*, and indeed abominable, no wise man can *allow*, or discharge of *sedition* and unwarrantable acting out of our places.

14. But if the Government sworn against be not *unlawful*, and if it be fenced with *Laws*; and we are required in the *Act* to declare we are not bound to endeavour against it: who dare justify such endeavours against Government and Law, but such as love to *despise Dominions*, and *speak evil of Dignities*.

15.2. This *less publique* way of endeavour is *Negative*, when we will no way *own* or *act* under the Government in our places, and thus design to *weaken* the Government, by withdrawing our *own* subjection, and encouraging others to do the like after our example.

16. I wish it were not so: but is not this, with the former, the intended practice of such as hold themselves obliged by the Covenant? and is this, if possible, to live peaceable with all men? is this to be subject for *wraths sake*? and to obey every Ordinance of man? either the King as *Supream*, or those that

that are *commissioned* by him? is this to *obey* the *Laws* of the *Land*? and to do nothing that may disturb the *publique*?

17. O, that my brethren would sadly consider, if so great a *multitude* as they please to *boast* of, even of all *degrees* and *ranks* in the *Nation*, did indeed take the *Covenant*; and all of them should be of *their minde*, and hold themselves obliged not to *own* Church-Government, or *Act* under it, as they may have daily occasion (notwithstanding the final determination of *Authority*, that we *must* be governed by it) what *disturbances*, *distractions* and *confusions* must needs follow in *Church* and *State*?

3. Blame not the *Parliament* if they intended by the *Act* to prevent it: especially considering, that *this* is not all. But more *publick* endeavours are judged by Mr. *Crofton* *lawful* too, so long as every man keeps *his place*.

And truly, if [*endeavours*] in the *Covenant* be the *measure* of the *meaning* of the word, in the *Act*, as is very likely, I am loath to remember

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how high it once carried us: indeed not in *private*, but too too *publickly*.

The *Covenant* speaks of our places and by *lawful means*; yet also to our power, and with our *lives* and *estates*. And what need of all this, if we may only petition in a regular and legal course; and so, and *no otherwise* endeavour; there being no other lawful way of endeavour in our places, but these, that I can think of: and as for *petitioning* too, if that should be *forbidden*, certainly we are not bound unto it.

But Mr. *Crofton* and the said *Author* tells us of a better meaning [of acting in our places:] *Ministers* must preach against the Government, and the *Lawyers* must plead against it, the Judge must sentence it, the *Souldier* must fight against it, yea, and every tongue must revile it, and speak evil of it, and every mouth be filled with cursing and bitterness against it.

I need not say, *thus* it was, when the cause of the *Covenant* was in the field. The Lord give us humble and peaceable spirits, to discern at last in.  
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the *Calm* the way of our duty, from which we have been too long transported by the stormy wind and tempest.

4. In short, thus to endeavour to alter the Government of the Church, and the *Laws*, is either *sinful*, *indifferent*, or *necessary*.

If it be said to be *necessary*, that is, a duty of *it self*, without respect to the *Covenant*; *two* things must be proved; *both* of which are highly incapable of it. First, that the *Government* is *unlawful in it self*. Secondly, that *Subjects* are bound to use *unlawful* endeavours for a *Reformation* of *Government*, and *Law*; as no doubt those before mentioned are.

If these *endeavours* be said to be *indifferent* in themselves, and *made necessary* to us, by virtue of the *Covenant*: I answer, as before is proved, that we cannot be bound by our *own Oath* to do a thing *indifferent in it self* (seem it never so convenient to us) against a known *Law* of the *Land*; and to the prejudice of *Parliamentary* power, in the determining of things *indifferent*.

But if the *endeavours* be indeed *sinful* in themselves, we need no power of Law to *discharge* us of them, for they never bound us: but the *Covenant* was *so far* naught from the beginning.

5. In a word, that these *endeavours* are in themselves *sinful*, appears in the *reason* of the *Covenant*, and the *concessions* of the very *opponents*.

1. The *Covenant* requires no more, and we are bound no farther (say our *Brethren*) to *endeavour* against *Episcopal Government*, but in *our places*, and by *lawful means*.

But now the *first step* that our *Brethren* take in this their *endeavour*, is *out of their places*, viz. by not *yielding unto*, not *obeying*, not so much as *acknowledging* the *Government*, which the *King* and the *Law* hath set over them: nor making any *conscience* of the *Law*, requiring them to *disclaim* their *obligation* to the *contrary*.

For *Subjects* not to *obey*, not to *own* their *superiours*, to *reject* those that are sent by their *King*; Yea to *make* their own *Covenant* to *prevent* the *commands* of *Authority*; surely this  
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is for *Subjects* to be out of *their places*; and if these be their *endeavours* to extirpate the *Hierarchy*, the *Covenant* it self, in the *modern sence* of it, will not allow them.

2. Again, much more to take *all* occasions to revile and curse this *Government* in our *Prayers*, and *Sermons*, and *Discourses*; and in effect, to do what in us lies, that the *people reject* it, scorn it, hate it, trample upon it; and make it the *mark* of their *malice* and *revenge*; this is certainly to *endeavour* out of our *places*, and by *unlawful means* too, and far from the *Tenour* of our *Oaths* of *Allegiance*, *Supremacy*, and *Christianity*.

3. Let me then conclude, that look what my *Brethren* concerned take to be the *sence* of endeavour in the *Covenant*, and how they themselves understand it by their *purposes* and *practices*, and upon sober reckoning, they will find that such endeavours are both *unlawful in themselves*, and *made unlawful* by the *Act* of *Parliament*, and upon either account, much more on *both*, they need not stick to declare, as requi-

red that neither they, nor any other person is bound thus to *endeavour*, notwithstanding the *Covenant*.

Though, I presume, if there be any other *endeavours* besides *acting* against, *speaking* evil of, or not *yielding* unto the *Government* as established by the *Laws* of the *Land*, (which are not unlawful, seditious, and not inconsistent with the *places of Subjects*) my *Brethren* are not by the *Aſſ* required to *declare* their non-obligation unto them.

*Object.*

But though we may not *endeavour* the *extirpation* of *Episcopacy*, there may be many *corruptions* in the *Government* by *Episcopacy*, and are we not to *endeavour* an *alteration* or *Reformation* of them?

*Answer.*

1. First, as it is unlawful according to the *Scriptures*, *Reason*, and the *Constitution* of the *Kingdom*, for *Subjects* to enter into a *publick Covenant* to reform the

the Church, without the consent of the King: so we cannot be bound by such Oath to endeavour it, by means that are sinful and seditious (as before) or out of our places.

2. We must distinguish of corruptions in the Government, and the Government it self, as well in the Answer, as in the Objection: and betwixt a Reformation, and an Alteration or Change of Government: or an Alteration in the Government, and an Alteration of the Government.

Tis worth our notice, as to this Objection, that the Act requiring the Declaration is expresse for the latter and not the former branch of the distinction: the words of the Declaration are, *I do hold that neither my self nor any other person hath any obligation upon us from the Covenant, to endeavour to make any alteration or change of Government in Church or State, nor in the Government of either: that is, indeed, that we are not bound by the Covenant to labour to pull down this Fram of Government, and set up another, either in Church or State.*

We have sufficient ground for *this* distinction from our *covenanting* Brethren themselves, if not from their distinction of the *collective* and *distributive* sense of the *second Article*, about Church-Government; yet from such *moderate* persons among them, that openly *declared* upon a *solemn* occasion, that might they see any *material* alteration in the Government granted there, they should hold themselves *satisfied*, as to the *Covenant*, in that point.

Besides, the *King* and *Parliament* have *practically* improved the said *distinction* (I presume, in order to such Brethrens satisfaction) and have, indeed, made a *material* alteration in the *said* Government, by taking off the *high Commission*, and the *Oath ex officio*, by *Law*; and yet, *established* the Government *it self*.

CASE

CASE XVI.

*Whether the Covenant be not against the Liberty of the Subject in this particular, and therefore sinful in its matter.*

Resol.

1. **A**fter the *Bishops* were thrown out of their places, in the *House of Lords*, we might yet respect them, as well as the rest of the *Dignitaries* in the *Church*; as the *Kings Subjects*, and to have an interest in the *freedom of the Commons*. Now, in this capacity we shall find the *Covenant* was very *injurious* to them, even as *Subjects* and *freemen*, and consequently, it tore up the very *foundation* of the *liberties* of the *people*, and in the *destruction* of one *society* threatned all.

2. Tis well known, that the *Governours* of the *Church* were in *possession* of their several *freeholds*, when the *Covenant*

*venant* was voted to destroy them, which their predecessors had enjoyed many hundred years without any interruption considerable.

3. The number of these Subjects was not small: their manner of living and governing, in so many famous Corporations, and Colleges, was more then vulgar.

They had a considerable interest in the Lands of the Nation: and much people being related to them, and more depending on them, and their great hospitality, were concerned in them, and fell with them.

4. Yea, it is declared by sundry Acts of Parliament, that the holy Church of England was founded in the state of Prelacy within the Realm of England.

5. And no wonder, that this Crown of England is so much concerned for it: and that the Kings of England, at their Coronation swear, they will grant, confirm and keep all the Customs and Priviledges of the Church, granted by King Edward; and expressly to Bishops all Canonical Priviledges: and that he will

will be a *protector and defender of the Bishops.*

Yet notwithstanding their *number*, their *Relations*, their *Freeholds*, their *Interest and Continuance*, notwithstanding the *Acts of Parliament*, and the *Royall Oathes*: yet was their *Extirpation sworn by the Covenant imposed without Law*, or the *Kings Consent*, and passed in the *Parliament*, when the *persons*, the many *Corporations* in the *Land* concern'd, had none to represent them in the house of *Lords*, or the house of *Commons*, contrary to the excellent *Constitution of the Nation*, and the *Liberties of English men*.

7. Thus *unjustly* have they suffered nigh 20. years together; and shall we yet think our selves bound by a *Covenant*, that was at first laid in the *subversion of our English Freedom*, to prosecute their *Ruine*?

8. Especially, against the *Graine of Authority*, the current of the *Laws*, and in an Age so zealous to fulfill the *Prophesie of Dr. Featly*, who at their *lowest*, askt this question; *How know ye whether Episcopacy may not be revived and raised up*

up again by future *Acts of Parliament*, in times as well affected to the *Clergie*, as these are ill.

9. For the *Rights of Episcopal Government* are again confirmed by *King and Parliament* : and they that have places therein have as clear a title thereunto by *Law*, as any other *Subject* hath to his temporal estate : and how can a *Covenant* binde us to injure others, who are first obliged by *God himself* to walk honestly ?

10. Here I humbly offer, whether the *King himself* can be bound by *Oath* to destroy his people, or any society or person of his *Subjects* ? especially, out of his *Parliament*, and when he is according to his *Oath* and his *Office*, if he should never take his *Oath*, bound to do *Justice* to all, according to *Laws* already made, the true measure of all men's *Rights* : *Salus populi* hath a *Supremacy* over the *King* : at least, the *King of Kings* hath so, who hath first obliged him to distribute *Justice*, and preserve the *Rights* and *Liberties* of his people impartially, and without respect of persons.

11. We



11. We are sure, the *last King*, of ever happy Memory, did not *consent* to the *Covenant*: or if he had, he was first bound expressly to the contrary by his *Coronation Oath*, to defend the *Bishops*, and maintain their *Canonically priviledges*.

12. And in the behalf of the *present*; we may be bold to say, the *Parliament* imposing the *Covenant*, onely by an *Ordinance*, which lost its force at *their dissolution* at his *Fathers death*, he could not confirm the *Covenant* by any *Act* of his without a *Parliament*: and the former *Ordinance* ceased with the former *Parliament*; and the *Petition of Right* tells us, that it is contrary to the *Liberties* of the *Subject*, to have an *Oath* imposed without an *Act* of *Parliament*: and much more so, if against the *Freeholds*, and the very being of so many famous *Corporations* in the people of *England*.

13. The *King* is bound to *Right*; but cannot be bound to *wrong* any of his *Subjects*: any such obligation is void of it self; for the *Oaths* of *Kings* must also have the condition, so far as lawfully

*we may ; who are accountable to Gods (though not to man) by whom they are intrusted with the good of their Subjects, and to whom they have sworn.*

14. Therefore *David* when he had made a rash Oath ; that he would slay  
 1 Sam. 25. *Nabal* and all his Household , rejoiced  
 32. when he had occasion offered by *Abigail* to break his Oath : and though  
 he sware to *Shimei*, that he would save  
 2 Sam. 19. his life ; yet, as if upon better advice  
 23. he had found that that person had deserved to die, and been convinced that it was expected from God that Justice should be done ; he commanded his Son *Solomon* to put him to death : and doubtlesse, it had been better for *Herod* to have saved *John Baptist* ; though he had broke his Oath, and lost his Reputation, in some measure, with the people.

15. Especially, if through fear or any other temptation, the King should be thus prevailed with, to promise or swear to injure his Subjects ; The Case then is, as if a man under threats of a Robber, should swear to bring him his Neighbours horse.

16. Now

16. Now whether the *thing* sworn in *fear* and under *temptation* be *unlawfull* and unjust, or not, must be judged by the *Conscience* of the *partie* sworne.

17. Whence may issue *two Cases*, with respect to the *time* when the Oath is made; and when it is to be performed. But one answer doth serve them both: for when the *Conscience* dictates the thing sworn to be *unlawful*, it will *rule* the Case: if a man sweares for *fear*, against his *Conscience*, his *Conscience* being Gods *Vice-gerent* within him, he sins against God in swearing; God by his *Conscience* having the *first Obligation* upon him. And if he should perform his Oath against his *Conscience*, he sins *twice*: first, by *doing evil*, and secondly, by *keeping his evil Oath*. For as the Right Reverend Bishop *Sander-son* concludes this *very case*, such Oath doth not bind against *Conscience*.

18. The Author of the *Covenanters plea* would faine say something to weaken this Conclusion of the Bishop, supposing the matter of the Oath to be *lawful* in it self, and onely appearing to be *evill* to him that swears it: but though  
he

he make a *flourish* towards it, if we apply his discourse to our *present Case* of the *Covenant*, it vanishech into aire.

19. For though it be true, that an *erring Conscience* doth not *obligare*, it cannot be denied but it doth *ligare*; and consequently *suspend* the *performance* of the thing sworn, so long as the *party apprehends* the matter to be *sinful*, whether it be *indeed* so, or not.

That is, no one is bound by the *Covenant* to endeavour to extirpate the Government of the Church by Prelacy, while he is *perswaded* that *so to do* is *sinful*, and to the *injury* of the Church.

20. And it is all one, whether the *Conscience* of the *party*, as I have said, did thus judge the thing *unlawful*, when he swore it, or is since so convinced; for we may not aggravate a rash Oath with *unlawfull practice*, that is, *against Conscience*.

21. But if the *matter* of the *Covenant* be *unlawful in it self*, as hath *amply* appeared, in such a *Case*, truly there is no dispute; for here *Conscience* dictates nothing but *Truth* and *Duty*: and it were sad adventure, for a *King* himself

himself to second *Herod* ; and to fulfill a wicked Oath by a more wicked Act, against his Conscience, and his Brother, and his God too.

*Si facere intendit, lris peccat : & ex intentione quam habet peccandi, & ex* Tolet. Cal. Con.  
*Juramento supra rem injustam.*

The Case of *Abbots* in *Henry the Eighth* time, is too weakly compared with the Case of the *Bishops* in ours, unlesse it be proved that the *Abbots* were as usefull in the Church as the *Bishops*, &c. That the *Bishops*, &c. are declared to have run into a *præmunire*, as the *Abbots* were. That the *Abbots* had none to represent them in the *Parliament*, as the *Bishops* had not ; and especially that the *King* was not *Active* or any way consenting to the Act for the destruction of the *Abbots*, as he was not to the *Covenant* for the *Extirpation* of the *Bishops*, which are not to be undertaken.

## CASE XVII.

*Whether the matter of the second Article of the Covenant, be not against former Obligations, and consequently sinful.*

## Resol.

**T**He first Spring of all Obligation is in God: *Laws* bind us, *Love* binds us, *Oathes* and *Covenants* bind us, but how? as God in *Nature* or *Scripture* binds us, he requires us to love our *Neighbour* as our selves, and not to wrong him. To obey *Authority*, and observe their commands; to pay our *vows*, and fulfill the Oath that is gone out of our *Lipps*.

2. It is a sure Rule, that as God himself is ever the same, so his *Moral Obligations* upon us change not. Neither can any *Act* of ours take off, or weaken our *Obligations* to him.

3. Hence it eternally follows, that a latter

*latter Obligation against a former is of no force, but void of it self; because the former Obligation being from God, and of a Moral Nature, it is eternal, as God is, and fixt, and not to be broken.*

4. There seem to be *three Bonds or Cords of God to have had force upon us, before the Covenant was taken or thought of: all which the Covenant is against, and endeavours to break, in the Second Article of it: to Obey Authority, to keep our Oathes and Promises, and to serve the Church in our Generation.*

1. First, *God hath first, both by Law of Nature, and holy Scripture, bound us by his Sovereigne indispen-  
sable command, to honour our parents, to obey them that have the Rule over us, to submit to every Ordinance of man for the Lords sake, whether to the King as supream, or to those that are sent and Commission'd by him: and of necessity to be subject not only for wrath, but Conscience sake: because the powers that be are ordained by God, ordained to be Ministers of God: whosoever there-*

fore *resisteth*, resisteth the *Ordinance of God*, and consequently *God himself*.

2. Were not *these* Obligations upon us, even on our very *Consciences*, before the *Covenant* was taken? did not the *Covenant* find these *barrs* within us? was not the *Conscience* thus *prepossest* against it? and *lock'd* up from it?

3. But how was the *Covenant* contrary to these Obligations? yea rather how was it *not*! it being *imposed* and *taken* against the *Kings Lawes*: and the *matter* of it, as we have shew'd, being against the *Rights* both of *King* and *Parliament*: and the *Government* of the *Church* set over us, by the *King* and *Laws*, made both *before*, and *since* the *Covenant*.

4. More particularly, *God* first obligeth us to be *subject*, and obey our *Governours*: and the *Covenant* would engage to *disobey*, *disown*, and *destroy* them: I mean, our *Governours* in the *Church*, it would *discharge* us of our *Obedience*, and oblige us to *resistance*, contrary to *Gods* *express* *Obligati* upon us, which cannot be.

5. Again,



5. Again, the *Civil Authority* requires us to *obey* our *Ecclesiastical Governours*: The *Civil Authority* by *Acts of Parliament* requires us to *declare* that we are *not obliged* to *resist* them, to *endeavour* to *extirpate* them; to this also we *oppose* the *Covenant*, though God first hath bound us to *obey* our *Rulers*, which cannot be.

6. I have spoken to *this*, under another Argument before; I shall here therefore, onely add the *plain*, but very *weighty*, and *Authentick* testimony of Mr. *Perkins*, who very distinctly *fore-saw* our *Case*.

Cases of  
Consc.

7. He laies down two *Rules*, among others, that methinks might *decide* our *Controversie*.

1. If an *Oath* be taken against the *Laws* of the *Land*, or *Country* where-  
of a man is member, it *binds* not; he  
doth not say that it was *sinfully* taken  
onely, but it *binds* not at all: he gives  
the very *reason* for it, which I am now  
*improving*: because on the contrary, Gods  
*Commandement* binds us to *keep* the good  
*Laws* of men.

8. Therefore the *Covenant*, so far as

it is against the *just Laws* of the Kingdom, that is, such Laws as are not unjust or evil in the matter of them, can not bind at all, because God hath first commanded us and bound us to the contrary.

9. 2. Again (saith Mr. Perkins) if at the first the matter of the Oath were lawful, and afterwards by some means becomes either impossible or unlawful, it binds not the conscience: when it begins to be unlawful it ceaseth to bind, saith he, because the binding virtue is only from the word of God.

10. Thus also, had there been no Law to render the matter of the Covenant unlawful, when it was taken; yet it being now unlawful to endeavour to change the Government sworn against: yea it being a duty to declare that we hold our selves not bound by the Covenant so to do, the Covenant cannot oblige, either thus to endeavour which is forbidden, or not thus to declare which is required; for the one is a sin of Omission, the other of Commission, but both sin, to which no Covenant can possibly oblige: for then it should oblige us against God himself.

2. Se-

2. Secondly, the *matter* of the *Covenant* in the *Second Article* is against many former *Oaths*, whereby the *Nation* stood obliged before the *Covenant* was imposed or taken: and in that regard we were first obliged by *God* to the contrary.

1. Not to speak of that natural *Allegiance* in which all *Subjects* by the will of *God* in the very *law of Nature*, as well as *Scripture*, are born obliged, when they are born *Subjects* unto our lawful *Prince*; the *Oath of Allegiance* superadded re-enforceth us to obey him in all his lawful commands.

2. And according to the *Rules* above mentioned, whether this *Oath* be actually taken before the *Covenant* or after, we are by the *Divine obligation* to obey the *Kings Laws*; and to declare that the *Covenant* doth not binde us against the *Kings Ecclesiastical Government*, or against his will expressed in the *Laws* of the *Land*, whatsoever is hitherto urged to enervate the same.

3. Especially, if we add the direct obligation of the *Oath of Supremacy*; wherein we all own and Recognize the

*King in all causes and over all persons as well Ecclesiastical as Civil, Supream Governour. For how can the Oath to extirpate his Government, and destroy his Officers against his will and his known Laws, consist with his sworn Supremacy? or in the cause of Ecclesiastical Government, how do those Ecclesiastical persons acknowledge him to be their Supream Governour, while they resist him, against his expresse Laws, in this very cause, even with endeavours to extirpate his Government?*

4. Besides many of the ancient Ministry stand more immediately obliged to the Government of the Church, by their subscriptions to thirty nine Articles: wherein they have set their hands, that there is nothing superstitious or ungodly in the Form and Manner of Making, Consecrating and Ordaining of Bishops, Priests and Deacons: as also in the form of their very Ordination as Deacons and as Presbyters; in which, they solemnly promised to obey their Ordinary, and to follow his godly Judgement: which they also bound with the Oath of Canonical obedience.

5. Lastly,

5. Lastly, the *general protestation*, taken *some years* before the *Covenant*, must needs effect the discharge of it so far as they are *contrary*.

6. That the *Protestation* was as *legal* as the *Covenant*, as yet none ever questioned. It was imposed by the *same power*, at least it was never *proclaimed* against by the *King*, as the *Covenant* was: and that, the *Author* of the *Covenanters* plea argues, did *sufficiently* ratifie it. It was taken by the *same persons* generally, and indeed by *thousands* more then the *Covenant* was, and that is, doubtless, enough, by *Mr. Croftons Logick*, to conclude it *National and perpetual*, and not to be *violated* or made *void*, by any *future power* or *obligation* or *Covenant* whatsoever.

7. But wherein is the *Covenant* contrary to the *Protestation*?

1. In the *Protestation* we promised to maintain the *priviledges* of *Parliament*; which, as I have shewn before, by our standing bound by the *Covenant* to endeavour the *extirpation* of *Church-Government*, notwithstanding its *establishment*

*blishment by Act of Parliament; and by superseding Parliamentary power for ever, enjoying our subjection to it, are sufficiently violated:*

2. In the *Protestation*, we also promised to defend the liberties of the Subject. These are also violently seized on by this *Second Article* of the *Covenant*; herein to great and considerable a part of the Nation, as *Ecclesiastical Governours* are, have their *freeholds* sworn against; and their *Power and Offices* threatened with utter *extirpation*, Notwithstanding the protection of the King and the Laws; yea when neither their King that gave them their *Commissions*, nor any to represent them, had liberty to vindicate their cause, or speak in their behalf in the Parliament, when destruction was contriving by this way of a *Covenant*, for them.

3. But these things have been hindered before, and unanswerably handled by others: I hasten to the third and last way of preobligation mentioned, viz. for the service of the Church in our generation; when I have sealed that,

that, from our Oathes and promises now spoken to, with that geneal Rule of Dr. Ames, never yet acquainted with doubt, — *Juramentum posterius contra Juramentum, aut etiam promissionem Antecedentem & honestam, non obligat*; a latter Oath, that is against a former honest Oath, or but a promise, doth not bind.

3. Thirdly, I doubt not to say, that the Covenant cannot bind us to forsake our duties; or discharge us from the exercise of our offices in the service of the Church, whereunto we are called: and to which we are obliged by God in his Word, before ever the Covenant was thought on.

1. I acknowledge, that my Lord of Lincolne teacheth that the seeming binding of some good, doth not simply or precisely alwayes discharge us from our Oath: except there be other circumstances concurring, which evince it non obliging.

2. But there seems to be no roome for a question here, when our place and duty requires us to do that which would be hindred: for then the discharge

charge results also, yea and principally, from a former *Obligation of God upon us*, to do our duty.

3. A man swears he will never come near such a *River* more, because he had like to have been *drowned* there: but at a distance, he sees his *Neighbour* in the same hazard at the same place: now certainly, notwithstanding his *Oath* to the contrary, he is bound to help his *Brother* out, and to save his life. What is the reason of this? there was a *prior Obligation of God upon him*, *thou shalt love thy Neighbour as thyself*.

4. Dr. *Jacob* the *Casulist* puts a harder Case by far than this; A man swears to another that he will do him no hurt, yet if by the *Law* he kills him afterwards, he doth not break his *Oath*; his reason is, *quia illa promissio non occidendi subintelligitur, nisi lege permittente*, implying, that there was a *pre-obligation* upon him to fulfill the *Law*.

Indeed, the thing sworn must be indifferent in it self, or at least of weaker necessity, then the good that would be  
hindred



hindred by the keeping our Oath, and then all *Casuits*, I think, concur with *Jacob* and *Sylvester*; *qui indifferens aliquid jurat, ut ire ad villam, non esse militem, &c.* Dato Casu quo quis vivere nequeat, nisi veniat contra Juramentum, illud servare non tenetur, & propria *Authoritate* contravenire potest.

5. Now, if to endeavour extirpation of *Episcopall* Government be not *sinful*, I am sure it is *non-necessary*, and then it is but an *indifferent thing*: if so, though men have sworn it, yet if the keeping their Oath will hinder the doing of their *Natural duty*, both to the *King* in breaking his *Laws*, & casting off his *Government*: and to the *Church*, and our *several Congregations*, in putting our selves into an *incapacity* according to *Law*, to serve any longer in the *Ministry*: we are so far discharged of our Oath by the *pre-Obligation* of God to our *Necessary duty*; and (notwithstanding the *Covenant*) we be to us if we preach not the *Gospel*.

6. Upon this ground I stand, and assert, that the *Argument ab impeditivo boni*, is not so sleight, as the *Reverend Author*

*Author of the Covenanters plea* would render it. Neither doth that *Author* himself say, that in no Case the *Argument* will hold: yea at last, he seems to concur with other *Casuits*, in the *Allowance* of it, with these four *graines* or conditions; it must be a greater good that is hindred: this greater good must be attainable *no otherwise*, but by the violation of the *Oath*. This good must be certain, and the *Oath* must be *only* made to *God*.

7. Having laid down these *Rules*, the said *Author* bids a challenge to his *Absolvers*, to apply them to the Case of the *Covenant*; and though the stress of the *Argument* lies not here, I humbly accept it.

1. I dare affirm, that greater good would accrew to *themselves*, and to the *Church of God*, and their *Native Country*, by not endeavouring the extirpation of *Episcopacy*, or the present *Church-government*, and by declaring that ye are not bound so to do, and thereby continuing your employment in the *Church*, then by any sober and rea-

reasonable man can possibly be imagined, as *things* and *Laws* now are, by such endeavours.

2. What fruit can you look for from such *crossed proceedings* to Government and Law, but the *losse* of your place, your *capacities* to dispenſe your trust, to imploy and improve your *Talents*, and, if so many fall together as is feared, the *distractiō* of the Nation, the *discontent* of the people, the *griefe* of our King, and the great *hazard* and *losse* of the Church.

3. On the other side, how great advantage must needs follow upon a general conformity (notwithstanding the *Covenant*) to the Church and State? how great satisfaction to our Governours, especially to our most gracious King, whose *indulgence* you yet rejoyce in, and he yet continues, as the space of your *repentance* and *obedience*, after two years patience, and long suffering. How much Right would you thus do the *Laws*, your selves, your families, and your several Congregations: yea how much encouragement, you that are Leaders, might

might you hereby give to your Brethren? your non-conforming Brethren, who *depend* on you, and wait your *motions*, whom you have, as it were power to *save* or *destroy*? your *conforming* Brethren, who are *scandalized* by your means *before the people*? and made the *scorn* and *reproach* of such as count themselves *extraordinary Saints*, for your sakes? saying, We will do any thing to *save our Livings*, but *such and such* are the *only faithful* and *conscientious Ministers*, they will not *conform*. How might you (it is much in your power) how might you *thus allay* our *stormes*, still the *noise* of the *people*, and in a short while leave nothing amongst us but *peace*, and *unity*, and *amity*, and all blessed *advantages* of *profiting souls*, of *destroying Heresies*, of *reforming abuses*, and *crushing* that *spirit of profaness* you so much, and continually *complain* of: but are running from the only *visible remedy* of it in the world. Consider *what I say*, and the Lord give you to understand it.

2. Give me leave therefore, in the  
*second*

*second place*, to say also, that these goods], cannot be attained by us any other way; for by the *Laws Ministers* cannot discharge or attend upon their *Offices*; neither can the *people* (if they are bound by the *Covenant*, not to own, but to resist the Government of the Church,) *concenter* together in the peace and settlement of Church or State, they must not own the Government, nor conforme to the proceedings of it; nor the *Laws* about it; and yet the *civill Authority* will stand by it, defend it, protect it, second its *Decrees* and *Acts* with the severe penalties the *Law* hath provided; and what weeping and complaining, what wasting and ruining of *Estates* and *Families*? what publique distraction and confusion must needs follow?

3. Which, thirdly, is as certain as our *King* and *Parliament* by *Statute Law* can make it. Neither can any *sober man*, and one that expects not the fruits of *Rebellion* and *Treason*; for a *Reformation*, imagine how things can alter without a *Miracle*: we have as much certainty both *Logicall* and

K

Moral

*Moral*, as wise men know the Nature of the Case will bear.

4. Lastly, *this Oath* was made, at least in this *Article*, to God only: to say the Scots were parties in the first *Article* hath some colour, but not in the second: for what were they concerned in our Government, while it is was covenanted, not to meddle with theirs?

How ever both the parties promised what they had no power or right to do, as I suppose is now past the Controversie with both Nations?

And, my dear Brethren in the Ministry of the Gospel, let me seriously request you to consider; that though for your Oaths sake you ought to quit your own interest, yet the Churches, or the States you cannot. Pray satisfy your selves in this one thing.

1. Before you lay down; who gave you power to expose your selves to an incapacity of serving God, and his Church in your high and holy calling, and give her up to the hazards and ruines, you say you foresee, by covenenting against that, which is now made, (as you know) by Law, the condition

dition of your station, and discharge of *La. Sey-*  
your office? *man.*

2. 'Twas the sentence of a learned  
*Presbyterian*, that the *Edification of the*  
*Church must proceed as providence*  
*makes way.* And who hath warran-  
ted you to plead your *Covenant* (in  
things not *necessary*) for the *obstruction*  
of it?

3. Ask your selves, was not the  
*Law of God*, requiring all that should  
be received into the *Office of the Mi-*  
*nistry*, to *Preach the Gospel*, to be a  
*faithful Steward of the Mysteries of*  
*God*, to *Watch for Souls*, in a con-  
stant distribution of all *Ordinances*  
to their several *Congregations*; ask  
your selves, I say, were not *these*  
*Laws of force before your Covenant?*  
how comes it to passe then, that you  
plead your *Covenant* to the *voiding*  
of them? in such things too, as cer-  
tainly are no *conditions of Gods com-*  
*mands?*

## CASE XVIII.

*Whether the matter of the Covenant be not sinfull : though taken and imposed by the two Houses of Parliament?*

## Resol.

1. **H**itherto we have considered the *Covenanters* as so many private and single persons : and found, that it is not lawful for such to endeavour a change of Church-Government against the Law.

2. Let us now look on them as united : and examine , what validity that addes to the Covenant , or what legality to such endeavours.

3. It is said, and much insisted on, that the two Houses of Parliament, and the generality of the people took the Covenant.

But indeed, though this may much  
alleviate



alleviate the fault of the *vulgar* and particular private persons : in the grosse, it addes weight to the transgression : for so great a *body* of Covenanters, without their *head*, casts no shadow upon that action, other then to darken and put out all colour of lawfulness.

4. Had a private company of persons entered into a private League among themselves, to endeavour to extirpate Episcopacy ; it had not been neer so dangerous, nor their endeavour to perform it, in likelihood, so open and seditious, and destructive to the publick.

5. But so great a body made up of Members of all sorts (but the head to guid them and warrant their Actions) and all engaging by a Solemn publique Oath, to their power, in their places, with their Lives, Estates (as the Covenant expresseth it) to extirpate the Government of the Church. I cannot but witness, that indeed, here lay the Eminency of Sedition.

Hence a Lawyer, in his place, is Covenant-sworn to plead; a Member of Parlia-<sup>plea.</sup>

ment to *Vote* ; a *Minister* to *Preach*, a *Souldier* to *Fight*, a *Country-man* to *Contribute* ; and all to *their power*, and with *their Lives* and *Estates*, and the utmost *hazard* of them, against that *Government* , though established by *Law* ; against the expresse *minde* of the *King* : and though also the *power* imposing were in *actnall Armes* against the *King* , even when they imposed it, and the *people* took it.

6. Thus every one , as related to the *body*, was an *Actor* in every ones part : and no doubt, every one that did but *contribute* as a *Covenanter*, did *Counsel*, *Vote*, *Preach*, and *Fight*, against *Law* and *Government* , not to say, the *King*.

7. And if any person , that was then *zealous* for the *Covenant* would speak freely , he would easily resolve us, that he meant more when he took it, then to endeavour in his place in *Master Crofton's* and the *Author* of the *Covenanters pleas's*, *Modern sence*.

8. Indeed, the *work* and *businessse* of

of the Covenant, as all ingenuous Covenanters must needs confesse, and be humbled for, was too too apparent to be this, viz. to engage the Nation to extirpate Episcopacy, and to endeavour in such a manner, as though they knew the King would not consent at present, yet vi & armis they would force him to it, or at least do it without him.

9. Nothing can be more clear, though nothing can be more sad and doleful to remember, if the primitive meaning of the words in our places in the Covenant was any thing at all, it was onely to keep the people from *turbulency and confusion among themselves*; and not at all to hinder them from rising up in *Armes*, against the *King and his Army*, or at least the *Kings Army*; the visible way they took, to performe their Covenant, and extirpate Prelacy.

10. But I take no delight to recover the memory of these things; as the Law hath pardoned them; so I hope, my Brethren have seen the folly and mad-

ness and *sin* of them; and are truly *ashamed* to remember them. I also crave *pardon* of my Reader for the *mention* of them, with this true *Apo-*  
*logy*, that my *Argument* forced me to it.

But we will leave the fact, and inquire after the *jus*, viz.

## CASE XIX.

*Whether the two Houses, without the King, could bind themselves and the people of these Kingdoms, with an Oath, to endeavour the alteration of Church-Government.*

Resol.

**I**T will easily appear they could not, by a few *Propositions*.

1. The *King* is *caput communitatis*, and no *Act* can passe, or *Law* be made,  
to

to bind the people without his fiat; the Laws are therefore called the Kings Laws, and said to be Enacted by the Kings most Excellent Majesty; indeed not without the Consent of the Lords and Commons, and the Authority of the same.

The Excellent Bishop so often mention'd, concludes and proves at large, the power Legislative to be a power Autocratical, and gives a sad memento to some, that the wild notion of Co-ordinate power is a Ridiculous Invention: and that such as received it, by this gross Sophisme, became guilty of the foulest perjury; for by it they Acknowledge and constitute a power equall to him in the Kingdome, whom, in expresse terms, they have sworn to be the onely Supream power in the Kingdome.

Secondly, the King is the Fountain of all Justice, as well as Law, (as the Law it self acknowledgeth,) and hath the execution of the Law first in himself, from whom all Officers, as subordinate, derive their very Office, as well as power of execution.

Thirdly,

Prop. 3. Thirdly, The Government of the Church cannot be altered, except the Laws be alter'd, nor yet without Un-commissioning the Kings Officers, as all Ecclesiasticall Governours are. Neither of which may lawfully be done, without the King.

Prop. 4. Therefore Fourthly, The altering of Church-Government, both as it requires a change of the Law, or an Un-commissioning the Kings Officers, est res quæ Regis potestati subijcitur, in a very high and eminent manner; and by fair consequence, according to the Rule held undisputable by all Casuists, neither Parliament, nor people, nor both together, can be bound to endeavour the Alteration of the Government of the Church, without this Condition. Si Regi etiam placuerit, if it shall also please the King.

Which pleasure of the King to alter any thing settled by Law, must not be in private, or in a private manner expressed, but in a Regal Act, when his two houses present him with a Bill to that purpose; otherwise the Laws are still the same, and our Obligations to them, especially

especially for the *ratifying* any *Act* or *Undertaking* of the *Parliament*, as the *Case* is here; But all the world knows, this was *never done*, and thereupon according to the *Rule*, the *Obligation* of the *Covenant* *ceas'd* immediately.

No *Act* of one *Parliament* can bind *Prop. 5.* all future *Parliaments*, not to meddle with any thing that is within the power of *Parliament*: such an *Act*, as before was shewed, is *void in it self*; much lesse could that *Ordinance* of *Parliament* about the *Covenant* survive that *Parliament*, and supersede the power of all future *Parliaments*, to restore and establish *Episcopall Government*.

Neither could they bind themselves or the people *absolutely*, and for ever, thus to endeavour, without breach of the *priviledges* of all future *Parliaments* without this Condition, [if they should also like and approve it:] and that such endeavours should never be forbidden by *King* and *Parliament*, in any future *Law* to the *Contrary*: but that

that is now done, & *datur irritatio Juramenti*; and the Covenant is voided in that point.

Thus, we are at length got over the great stone of stumbling, the Obligation of the Covenant; onely, a weak mistake or two, about this part of the declaration, remains to be discovered, and we shall passe on.

*Obj.*

It is said, that many things in the Covenant are *Morally Good*, and how then can we abjure it?

*Answ.*

1. My Dear Brethren, pray spare such *bird* words: you know the word [ *Abjure* ] is not in the *Aët*; And therefore should not be used by men of *Conscience* to the trouble of their Brethren, and the more ignorant or inconsiderate part of the people.

2. We are not called to *swear* at all, much lesse to *Abjure* or *Unswear*, as some too scornefully, yet too frequently



ly, as well as *falsely* love, to speak : which is comely in *none*, much lesse *Ministers*, especially such as expect *persecution*.

3. Neither, are you required to *declare* against any thing that is *good* in the *Covenant* or that is *not evil* : or rather against nothing either *good* or *evil* in the *Covenant* directly, onely by *Consequence* : for we are onely to *declare* that it doth not *bind* to *endeavour* to *alter* the *Government* either of *Church* or *State*; which seeing it cannot be done without breach of the *Laws*, we have found to be *sinfull*; and therefore it is *inhabilis ad Obligationem producendam*.

4. If any do hold that they are bound by that *Covenant* to be more *Loyal* and *faithful* to the *King*, and to *reform* their *own lives*, &c. the *Aſſ* doth not say, that they must hold or *declare* the *contrary*.

5. We read it under the *Royal hand*: I *willingly* forgive such *mens* taking the *Convenant*, who keep within such bounds of *Piety*, *Law* and *Loyalty*, as can never hurt either the *Church*, *myself*, or the *publick*,

*publick peace, — against which no mans Lawful Calling can engage him.*

*Obj.*

*But why should we, or how can we declare for others ? do we know anothers Conscience, or how far he is bound ?*

*Answ.*

*1. This Complaint ariseth also from mistake : as if we were called to declare what other men think or hold of the Covenant ; whereas indeed, we are not required to trouble our selves, whether others think or hold themselves bound by it or no : but to declare what we our selves think or hold : not, that others are not bound by the Covenant at all, as before, but so far onely, as not to be troublers of peace, or enemies to Government.*

*2. Now if this be unlawfull (as hath methinks appeared sufficiently,) nemo tenetur ad illicitum : neither we nor any other*

other are obliged unto it: and if it be a breach of the Act, not so to declare: we are also to declare, as we are required, that we hold there lies No Obligation upon our selves, or any other person, by virtue of that Oath called the Covenant, to endeavour any change or alteration of the Government, either of Church or State.

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CASE XX.

*Whether it be lawful to declare, that the Covenant was in it self an Unlawful Oath.*

Resol.

1. **W**E are come to the second branch of the Declaration, touching the Covenant, that the Covenant was in it self an unlawful Oath.

2. I shall not flie to the following words

words, which may be *Exegeticall* of these, to prove it so, *viz.* because it was *imposed* against the *Laws* and *Liberties* of this *Kingdome*: but allow that phrase [*unlawful in it self*] to carrie more in it, then the bare *illegality* of the *Imposition*.

3. Indeed, if it be granted, that it was *unlawful in the Imposition*, as the boldest writer for *Obligation* of the *Covenant* do not deny; this *unavoidably* drawes on another kind of *illegality* on the *takers part*: for if it was *unlawful in the imposing*, 'twas much more so, in the *taking* of it; It is unreasonable to Imagine that the *Common people* had any more warrant *thus* to swear in a *publick Covenant*, about matters of *publick concernment*, without the *consent* of the *King*, then the *two houses* had, to require it of them.

4. And though it will not follow, that the *Covenant* is not *obliging*, meerly because it was *sinfully injoyn'd*, or *sinfully taken*; it will follow, against all *Contradiction*, that a *Covenant illegally taken* is even therefore an *unlawfull Oath*, and that is the thing we are here called to declare.

5. That

5. That is no more then this ; that the peoples covenanted in so numerous a body, in so publique a manner, and about matters of so publique concernment, without and against the minde of their King is an *unlawful Aēt* : and though the matter of the Covenant could not have been proved to be *unlawfull*, yet thus it is properly, because formally an *unlawfull Oath*.

Therefore, it is worth the heeding, for the satisfaction of such a scruple, that the *Aēt* doth not call us to declare, that the Covenant was in it self *unlawful* (as some too carelessly say it doth) that might have seemed to reflect upon the matter of the Covenant : but that it is, in it self, an *unlawful Oath*, which rather seems to intend the forme and manner of it, as a publique Covenant, as was now said, taken by a numerous body of Subjects, without and against the mind of their King.

I shall not need to repeat, what hath been urged before, to prove the  
L main

*main matter of the Covenant unlawful ; but shall seal up this, with that unquestionable Rule of my Lord of Lincoln ; who pleaseth to acknowledge, that sometimes, though the pactum be illicitum, yet res pacta licet : the things sworn may be lawful, yet the Oath an unlawful Oath.*

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## CASE XXI.

*Whether it be lawful to declare that the Covenant was imposed upon the Subjects of this Realm, against the known Laws and Liberties of this Kingdom?*

*Resol.*

**W**E are now, even at our four-  
*nies end, and the sooner be-  
 cause*

cause we hardly met with any ~~rule~~ in our way, in the present Case.

1. I find there is nothing more easily yielded to be *unlawful*, touching the *Covenant*, then the *imposition* of it; and how it can be unlawful in the *imposition*, except it were imposed contrary to the *Laws* and *Liberties* of the *Kingdome*, I cannot apprehend.

2. It is enough, that we read it as a *fundamental* in the *Petition* of *Right*, that it is contrary to the *Liberty* of the *Subject* to have an *Oath* imposed without an *Act* of *Parliament*: and the *Long Parliament* it self, that imposed the *Covenant*, never pretended to make an *Act* of *Parliament* without the *King*: or if they had done so, it had been to very little purpose, because they had thus pretended to do what they could not do; and acted against the known *Constitution* of the *Kingdom*, as their *successors* did.

3. If it should be said, that the *Oath* made with the *Gibeonites* was

against the *Liberties* of the people, and yet it was found to be obliging.

First, we are not here called to declare the non-obligation of the Covenant, but the *illegal imposition*: yet, seeing we had no occasion to speak unto this Objection before, briefly a word or two, now.

2. There is no resemblance betwixt the Covenant made with the *Gibeonites*, and the Covenant we treat off. That Covenant was not imposed on either part; but freely taken, and therefore could not be against the *Liberties* of the people; *volenti non fit injuria*.

3. Besides, the Text saith expressly, that *Joshua* made the League with them, who was *Supream*; and all the *Princes* of the *Congregation* sware unto them: whereas, many of our *Princes* did refuse the Covenant, yea, for ought we know, most of them; and our *Joshua*, the King, proclaimed against

4. Again, that League was, to shew



too much favour to *strangers*, and *enemies*: but the *Covenant* endeavours to root out a very considerable part of our own *Nation*.

5. Again, by *that* League there was no *Fundamental*, no *Law* at all violated, no hurt done: by *ours*, many *Laws* are to be torn in pieces: the *Kings Prerogative*, whose consent was necessary, invaded: the *priviledge* of *Parliament* to make new *Laws*, in things lawful, or establish the old, broken: the *liberties* of the *people*, in being imposed on, with the *Covenant*, without an *Act* of *Parliament*, and having so many *societies* of *Ecclesiastical* persons destroyed, plainly subverted.

6. Indeed, nothing can be said, why the *Oath* made in favour of the *2 Sam. 21.* *Gibeonites* by *Joshua*, the *King*, and all <sup>2</sup> the *Princes* and *people*, should not oblige: and nothing can be said, why the *Covenant* made with hatred of the *Bishops*, for their injury and ruine, by a part of the *Parliament* and *People*, without, and against the *King* and

the *Laws*, when (contrary to the very Constitution of the Land) there were none to represent them, in either House; nothing I say, can reasonably be said, why such a Covenant, so far at least, should binde at all. One may be bound to do the good he hath sworn, so was *Joshua*, &c. to the *Gibeonites*; one cannot be bound to do the evil he hath sworn, as the Covenant would have him.

7. *Israel* was cheated into a Covenant, that hurt none but themselves; if themselves at all; and therefore their Covenant obliged them: *England*, that is, a great part of it, was also cheated (pardon the expression) into a Covenant that injured the *Takers*, and every body else; the King, the Parliament that made it, all future Parliaments, the Liberties of the people, the Governours and Government of the Church, yea, and God himself, and the Consciences and Souls of the *Takers* themselves, (by breaking the bonds of all former obligations upon them, to the contrary;) as in particular

lar hath before appeared ; and how then can it bind to so much iniquity?

I need say no more to *this* or other instances of Zedekiah's Oath, &c. or, I presume, to this *Argument* of the *Declarations* : that hath indeed engaged me longer then at first I foresaw.



or not: also that the Act makes it self no judge of the Ordination by Presbyters in forraign Churches: also, that there is no other way, according to the Law of the Land to exercise their Ministry in this Church; as also, that if their former Ordination should be confirmed by any other form, it could not passe for legal Ordination in this Church or Nation: nor legally intitule them to the care of souls, or to the profits of their places; no other being thought fit to be appointed, or allowed by our Governours; and therefore their submission thereunto cannot be a taking Gods name in vaine, which hath so good and so necessary an end; but especially considering, that worthy Mr. Humphery, hath written so effectually and so largely already, upon this Subject.

He hath so well prevented my pains  
herein, I have onely to refer my Bre-  
thren to his *Books* for their full *satisfa-*  
*ction* in this point.

2. Concerning that which I have written, in this *Treatise*, give me leave to *subscribe* (which I do, ex animo)

ante, & some pre-animus) that I have not used one Argument, but I really judge it convincing, and such as is not, either, answered or prevented by any thing written, either by Mr. Crofton, or the learned and sober Author of the Covenanters plea.

3. Neither can I divine, what may possibly be urged against the Declarations, that is not answered; except onely the unlawfulness of the Government, Liturgy, or Ceremonies of the Church: all which are indeed concerned in the Declarations required.

4. I confesse, I took the lawfulness of these in themselves for granted, and my reason, I hinted at the beginning of my book, namely, because I was to treat such onely, or chiefly, with it, as had purposed to conform, had not the Act required them thus to declare: such I conceived, did not believe the Government of the Church, or any Office or Ceremony of the Common Prayer-Book, was in it self unlawful; who by their Conformity intended before, to own the one, and practise the other.

5. How-

5. However, let me humbly beseech my Brethren, (if thus they scruple) seriously to Consider, that the ablest Pens, that ever Engaged in these great Controversies, have hitherto found it a task too difficult for them, to evince, that either the form of Government, or any thing required in our Liturgie, is in it self unlawful.

6. Yea, give me leave to make my Observation, that very few that have been Learned, and Sober, and Faithfull in the point, since the Reformation, to the beginning of our late Troubles, but (though they have much scrupled at first) have argued themselves at length into a Conviction, at least of the lawfulness of them.

7. I hope my Brethren will not take it amisse, If I offer to remember them, that Conscience is not Regula Regulans (in the first Consideration, though so in the second) but Regula Regulata: and that she hath a Rule above her, that must be a Rule unto her, and the very Synterisis and Proposition, from which alone she must draw

draw and conclude all her definitions of things lawful or unlawful.

8. The measure therefore of the Judgement of Conscience, is the mind of God and not our own : Not our own mind, much lesse our will. So that, what he commands, must be held a Duty, what he forbids, must be held a sin ; and what he neither commands nor forbids, must be held indifferent : that is, in it self, to be neither a Duty nor a Sin, by every well enlighined, rightly ruled, and Indifferent Conscience.

9. Now, if it be a doubt to any Mans Conscience what is left by God indifferent, that is, what he hath neither commanded and made a Duty, nor forbidden and made a Sin ; What remains, but that he follow the advice of our Saviour, and search the Scriptures? these, we may be sure, are the best Rule of Conscience, as the clearest Testimony of Gods Mind.

10. If yet the doubt continue, what God hath left indifferent, in the Scriptures themselves, suffer me to say, that it is not possible, that there should be a better



## *The Conclusion.*

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*better help under Heaven for the removall of it, besides immediate Revelation (which may not be expected) then the Judgment of the Primitive and Reformed Churches.*

II. Let the person, then, that desires *satisfaction indeed*, bring his *Conscience* and the *great things in question*, first, to the *Bar and Rule of Scripture*; and if he cannot see *them condemned there* (as truly I cannot) let him in the *fear of the Lord*, and the *sincerity of his heart* after *Truth and Peace*, yet prosecute his full *satisfaction*, by repairing unto, and duely examining; first, what *Opinion the Primitive Churches*, (as soon as they took notice of these things in *Controversie*) had of them: and then also, ask the *Judgement of the most eminent Reformed Divines*; they have freely signified the same upon all occasions in their *writings*, ever since the *Reformation*.

Now, if it be *unquestionably found*, that both the *Primitive and Reformed Churches* have *unanimously testified*; That they *believe*, the things now in  
*Controversie*

*Controversie with us, are not forbidden by God, but that they are at least of an Indifferent Nature, and may lawfully be used; Who art thou, O Man, that repliest? or darcest say, they are unlawful.*

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**F I N I S.**



An Addition to the first  
Impression, by way of  
*Supplement* to the two  
great Cases touching the  
*Inexpediency* and *unlaw-  
fulnesse* of things im-  
posed.

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I. *Touching the Doctrine of  
Expediency.*

**L**est the Doctrine of *Expediency*  
should yet remain under the  
cloud of any exception: I have  
thought good to *adde* a few things for  
the farther clearing of it, in *Answer*  
to the only material *Objection* against  
it.

It

*Object.*

It may be said, *quod non expedit non licet*: and if that which is not expedient, be not *lawful*, then it may not be practiced upon any pretence; for we must not do *evil*, that *good* may come.

*Answ.*

In *Answer* hereunto, I crave leave to distinguish: for things are *unlawful*, or *evil*, in *specie*, or in *genere*, only.

That I call *unlawful in specie*, which is *in it self*, without respect to its *circumstances*, prohibited by some *special Law*, *natural* or *positive*, as *Theft*, *Murder*, *Profaning the Lords day*, &c. now things simply *inexpedient*, cannot be thought *unlawful in this* sence, they being granted on all hands to be in themselves *indifferent*.

That is *unlawful*, or *evil in genere only*, (on the other hand) that is not the *transgression* of any *special Law* of *Nature* or *Scripture*; but by reason of some *accident*, or outward respect, circumstance or consequence, (for the sake of which, the thing becomes forbidden) is *unlawful* by some *general Rule* of *Decency*, *Order*, *Custom*, or the like.

Thus,

Thus onely are things *inexpedient*, unlawful or evil : not in themselves, but from their *circumstances* ; not in their *Natures* , but *accidentally* ; not as violations of a *special*, but of a *general* Law of God. So that, if the *inexpediency* of such a thing, for which alone it is *prohibited*, be either *severed* from it, or *over-ballanced*, it becomes repugnant to no Law at all ; and consequently, the evil and unlawfulness is, in such a case, *removed*. Mr. Cal- Institur. li. vin gives us some instances of this, 4.c.11.31. shortly, and smartly ; *Quid ? an in Muliere Carbaso sita Religio est ut nudo capite egredi sit nefas ? an sanctum de ejus silentio decretum, quod violari sine summo scelere non possit ? an aliquid in genuflexione, inhumando cadavere mysterium, quod præteriri sine piaculo non possit ? minime. — Sed est Nihilominus in istis rebus quod agendum aut cavendum mos regionis, instituta ipsa deniq; humanitas, & modestiæ regula dicet.*

For, that which by reason of *circumstances* onely, is evil or unlawfull, is so onely *accidentally*, and may be

M

not

*not immutably so: and that which is evil by accident, in one respect, may be good, yea better in another: now if circumstances sway on the other hand, the thing that at first seemed otherwise, may thus prove expedient; and by the very reason of this Objection, lawfull.*

Yea, admit that some respects do render it *inexpedient*; yet, if more and greater render it *expedient*; it thus becomes more expedient, then *inexpedient*; and the over-balance of expediency, concluding the Case (according to Polanus his Golden Rule,) the *inexpediency* must yield it self; and the thing proceeds in such an instance of practice, to be *expedient* and *ought* to be done. For, suppose the thing must either be *done*, or left *undone*: and it is *inexpedient*, all things considered, to leave it *undone*, then it is *expedient*, and consequently *necessary*, to be done.

We must not do *evill* to obtaine *good*; yet we must do *good*, to prevent *evil*, though the thing be *good* for nothing else. Things that are *expedient*, are therefore *good*. [It seemeth

seemeth good to us] and therefore, necessary. [ *These necessary things* ] A&S 15.  
whence, those very things, which we are afraid to do, because *inexpedient*, may possibly be our *duty* to do, because *expedient*.

The *summe* is, things with respect to expediency and inexpediency, fall under a *double* consideration. And such things as in their *first* consideration are *inexpedient*, may in some *second* respects, be both *lawful*, *expedient*, and *necessary* to be done.

Now, whatsoever *censure* the *reason* given of it may conflict with; I dare say, the *Proposition* it self was hardly ever *before* opposed; and I would fain hope it is not now.

No doubt, the *Apostles* knew very well, that a refusing to eat things *strangled*, and *bloud*, at that period of time, especially, by a *Law* to enjoin it, carried, in the *first* consideration of it, no small *inconvenience*, as is easily judged from the rest of their *Writings*; yea, in that very *Law*, they grant they are burthens, ( *no other Burthen* ) yet to prevent greater

inconveniencies, (the Apostacy of the Jews, the interruption of the Gospel, &c.) it seemed good unto them, yea necessary so to do.

Inst. 4.  
12, 11.

St. Cyprian's Rule is Catholick; we either find it, or some Allusion to it, almost every where. Calvin, amongst others, cites and seals it, and my Conclusion with it. *Misericorditer igitur corripiat homo: quod autem non potest, patienter ferat, & cum delectatione gemat atque lugeat.*

Vid. Aug.  
epist. 86.  
Casula:  
prope finem.  
&  
epist. Fa-  
nuar. 119.

St. Ambrose his advice to St. Augustine's Mother, that she should conform to the usages of every Church where she came, (which St. Augustine received as an Oracle from God) must needs indulge my proposition; unless every usage in the several Churches where she might possibly come, were exactly squared to the strict Idea of fitness and expediency in the Mairon's Mind, which can hardly be imagin-

servilibus ed.

oncribus  
premunt  
ut tolera-  
bilior sit  
conditio  
Judæorum.

And St. Augustine himself was in our very Case; tis known, he was much troubled at the multitude of Ceremonies in his time; and heavily complains



plaines of them as a burthen, nay a  
*bondage*, to the Church; a bondage <sup>Januar.</sup>  
 worse then *Jewish*; yet who ever found <sup>epist. 119.</sup>  
 him symbolizing with *Donatis*, or <sup>Ecclesia</sup> — <sup>multa</sup>  
 in the least, to encourage any man, for <sup>tolerat.</sup>  
 any *such cause*, to break the *Union* <sup>ibid.</sup>  
 and Peace of the Church by *Separati-*  
*on*? yea, he was the *Captaine* of the  
 Hosts of the Lord, against all appear-  
 ances of such *Schisme*.

Most of the Forraign Reformed Di-  
 vines, have not onely asserted, but *ap-*  
*plied* the *Rule*, to our very *Case*, (and  
 therefore the rather to be heeded) and  
 have *de industriâ* given their *advice*,  
 from the present principle, touching  
*Conformity* in *England*: and what do  
 they say in it? do they not either *approve*  
 our usages, or dislike them *onely* as *in-*  
*convenient*? and *those* they dislike as  
 inconvenient, do they not, *notwith-*  
*standing* their inconvenience, yet earn-  
 estly perswade to *Conformity* to them?  
 and what is it that moves them so se-  
 verely to admonish them against *Non-*  
*Conformity*, but a sad prospect of greater  
 inconveniencies, the *disquiet* of the  
 Church, the *provoking* of our Govern-

ours, and the laying aside the work of the Gospel.

If *Unacquaintance* with these worthy men cause any to doubt or suspect this truth; I humbly beg them, thoroughly to examine it, especially in the discourse of the troubles at Franckford, and those weighty papers of Bucer, P. Martyr, &c. to Bishop Hooper, Crammer, Greendall, &c. about this very Controversie. If you read the other disputes, and occasionall advices of Calvin, Zanchy, Polanus, Alesius, Beza, Saravia, Hemingius, Bucanus, Bullinger, Zepperus, Pareus, Arelius, and the rest of that golden number; they all consent (except *Illiricus*) in the sweetest harmony as one man, that for some *Inconveniencies* imposed on us, we ought not to quit the Office of the Ministry, or hazard the Church.

*Illiricus*, that onely eminent forraign Divine in his Age against Conformity, had this *Apology* beyond us; that the *Interim*, full of *popish* errours, was then by Charles the Fifth imposed upon Germany. Yet notwithstanding all his other excellencies what a horrid Character

Character Melancton, yea and Beza himself gives of him and his cause: but what was his crime? he hotly perswaded all the Ministers to lay down their Ministry rather then conform; which occasioned so many Tumults, that Beza complains he promoted Popery, as if he had been hired by the Pope of Rome; and indeed, deserved that black name which a sober Historian gives him. *Matthias Flaccius, homo vehemens: & quocunque loco pedem figeret, accerimus Turbarum incentor.* Bez. in vit. Calv. an. 1540.

Notwithstanding, therefore, these heats of Illyricus and his furious followers, it will be their Joy and Crown, at last, that can truly say, with Lumbertus, *Nihil novi attuli, sed antiquam & receptam Doctrinam, &c.* I have brought in nothing new, but the old and received Doctrine of the Scriptures, the Fathers, and the general part of Modern Divines, which my Conscience, yea these my Eyes bearing me witness, I can safely do.

When I read that imprudent, yea impudent saying of Miricus, branded by Melancton, viz. that rather then

M 4

Conformity

*Conformity should be yielded, Desolation should be made in the Church, and that Princes are to be frightened with the terror of Insurrection: I find my self carried yet more to the contrary; and the more enamoured with the sober, safe and peaceable counsell of Melancton, and his Brethren, in the present Conclusion.*

Yet I must needs confess, that the Fruit & profit which the Church hath reaped from this Rule, [*that we ought rather to conform to some things inexpedient, then to lay down our Ministry*] the Fruit, I say, hereof hath more deeply affected me, then any hurt or danger of the Contrary, which haply may not be impertinent briefly to touch.

The Ministers of Suevia (as Melancton tells us) would not conform to the use of the Surplisee, but rather chose to lay down their Ministry; But Melancton and Pomeranus, even by the force of this very Principle, that we ought to conform to some inconveniencies, rather then to leave our Ministry, recovered most of the Ministers of Marquesse Albertus Dominions, to a peaceable

Conc. Melanct.  
p. 2.  
fol. 91.

peaceable mind, and due Conformity.

By the *same* Argument *Calvin* quieted the Church at *Geneva*, when all in an uproar about the *Wafer-cake*: he told them to this effect, that the thing was in it self *indifferent*; and for its *inconvenience*, they ought not to break, and hazard the Church. Generally, by this *alone*, he argued both *Ministers* and *People*, that scrupled at it, to conformity again.

Neither have we been altogether without some fruit of this Doctrine in *England*: indeed the most eminent Non-conformists here have known its power.

Bishop *Hooper*, for not practising, and for preaching against conformity, was *convented* before the *High Commission*, and *imprisoned*; yet at length, did conform himself. But by what means? why, at length by the pains of *Bucer*, *Peter Martyr*, and *Calvin*, he became convinced of *this truth* (that we ought not to stick at an inconvenience, to the prejudice of the Church) and then the work was done.

By

By virtue of the *same* principle,<sup>3</sup> were a while after, Doctor *Humphrey*, Dr. *Reynolds*, Dr. *Sparkes*, Dr. *Chaloner*, Dr. *Ayrey*, Mr. *Chaderton*, and Mr. *Kenwicks*, all very eminent, after a long reluctancy, at last *subdued*, and reduced to conformity.

In later time, Mr. *Sprint*, after he had shewn much opposition, hath with more learning, soberness, and industry, testified to the world, that he was prevailed upon by the *same* Consideration: the very Title of his Book, is, *the necessity of Conformity in case of Deprivation*: he also assures us, in the *Epistle* to his Book, that by the *same* Argument, many others had received satisfaction from him, and doubts not but many more would.

Give me leave to assume, that *this* Principle may have life and vigour still: I mean, not in *it self*, for so it is *Moral*, perpetual, and eternal, but in the *mindes* of sober men. And that when the *Tempest* is over, and the thoughts of people a little more *Calm*ed, my Brethren may discern this truth

truth more clearly, and reap the  
*peaceable fruit* of it, ( which, our  
 good God, the God of *peace*, in mercy  
 to this poor Church grant ) yea, I  
 hope I perceive, some *blossomes* to ap-  
 pear already : *great is the truth, and will*  
*prevail.*

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A

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Supplement, &c. 157

God (who in the instance, takes off the force of the particular) in his more general Law. *For as many as have sinned shall live by grace through Jesus Christ our Lord.*

Thus the breakers of the Sabbath broke a particular command, yet breaking the particular, in obedience to the general rule of necessity, they do not do evil that good may come, but are reckoned blamelesse, and called Innocent. Thus

also the particular. Text tells us expressly, that it is *unlawful* for any, save the *Priests* onely, to eat the *Shew-bread*: yet in a strait, the *general* rule of necessity warrants, not onely *David*, but those also that were *with him* to eat thereof. Upon the same account we must put *Solomon's* upon an *Altar* not

appointed: Hezekiah's admitting to  
the Passover the legally unclean: and  
Paul his casting the good creatures of  
God into the Sea. But ye may differ from  
me: not then for me

Yet we must still carefully distinguish betwixt things that are *internal-ly*, *Materially*, and *Naturally evil*: and such things as are onely *extrinsically* evil, or unlawful onely by virtue of

...at yr town in such a condition. & yr former disposition of  
y<sup>r</sup> naturality & malice. & such as are ruled only by a selfish

for not to do from physical necessity in question but if not at all naturally necessary that person be  
born male, it is still by physical necessity that a person be born male, at least in a  
really (strict) and as against former (over pt 2 and 3 note) at least, law of nature  
1 Cor. 14: 40 **158** nature and God **An Additional** question for moral law  
of nature and not yet

1 Cor. 14. 40 **158** *An Additional* **160** *positive prohibitions in Scripture.* For

what hath been said I intend onely to  
the latter branch, viz. such things as  
are evil onely from without, and by

virtue of Gods *positive* precept : for  
such things as are *Intrinsically* and Ma  
terially evil, you have had my opinion

about them already in the former Tre-  
 tie. *Some* as part of off preaching to thob ye man iels d.

central rule may, in case of necessity, discharge us from present attendance upon the proper duties of the Lords Day: &c

the Ceremonial and external parts of  
worship; yet no necessity that I can find  
will excuse wholly either Robbery A-6

*du*ltery, *Mur*der, &c. things *Morally* and  
*Mat*erially evil, and therefore *Immu*table  
*st*abiler *mal*a, immutably evil: at least

without some thing more then a general Rule, viz. a special personal warrant, as the Israelites had to take the golden calf

of the Egyptians; and Abraham, to slay his Son Isaac.

mark the opposition, I will have  
mercy, and not sacrifice; the positive  
yields to the Natural and Moral duty;  
the self-sacrifice to the more merciful

the less necessary, to the more necessa-

at a time he was not ready to pay with dirty bills, even  
in a whole month it was not for not enough to be given back

Supplement, &c. 159

fary; the lesse to the greater.

Yet, in such a case, see here is a command too [I will] and this both affirmative, [I will have mercy.] And Negative, [Not sacrifice.] No doubt, where God can have both, he will; but where he cannot, he will have mercy, though he lose sacrifice. Yea, rather then lose mercy, he will have no sacrifice, he prohibits sacrifice; in such a case, even prayer is turned into sin, and sacrifice is an abomination.

But what is this mercy that the God of heaven so highly values, and so strictly chargeth, above his own service: truly, I can hardly think on't, without wonder, or write it without astonishment: it is instanced by our Saviour, in mercy, not only to men, but to beasts; even sacrifice to the high God must give way to mercy to our beast. Yet may we hence abate our wonder, that the Scripture saw reason to prefix that Item, go, and learn what that meaneth: as if little understood, and lesse practised. Go and learn what that meaneth, I will have mercy, and not sacrifice.

our fornicate estate. Is it not a wonder, that the Scripture should say, we must not eat of the blood of the beast, for it is the life of the beast. And yet, in the same place, it says, we must not eat of the flesh of the beast, for it is the life of the beast. And yet, in the same place, it says, we must not eat of the flesh of the beast, for it is the life of the beast.

Is mercy to our beast so highly prized? how much more is mercy to our selves, to our Nation, to the Church, and to the souls of our people? is mercy to a beast to take place of sacrifice to God? how precious is mercy to all these, when it meets with sacrifice, and supports the Altar? and when, if we will not have both together we can have neither, how much more desirable to God and man to have mercy and piety kiss each other, then to throw away charity and duty together; which God forbid.

But pardon my digression, and I shall add but one instance more of this nature, and hasten to conclude with *Apology*. It is indeed a great one, and much more insisted on then all the more general, and the nature of it more applicable. It is that famous *Apostolical usage of the Jewish Ceremonies* after Christs Resurrection, and the first Christians following them, at least in some of them, viz. abstaining from bloud, and things strangled (till *St. Augustines* time) for the space of *neer*

near four hundred year after.

Do not all consent, that those Jewish Ceremonies, even when the Apostles used them (viz. Circumcision, Shaving, Vowing, Purifying, Abstaining from bloud and things strangled (which two last they also imposed by a general Decree,) I say, do not even all consent, that these were truly Mortua (though not Mortifera) dead with Christ, and buried in his grave, and rendred unlawfull to the Christian Churches, by virtue of the consequence of his Resurrection? yea, in other cases, the use of them is directly reprov'd, as needlesse shadows, Ordinances of the World, Commandments of men that turned from the truth, and weak and beggarly rudiments.

Yet, now in a second Consideration they are occasionally approved, as good and necessary, and accordingly, as already we have said, some of them imposed, and many of them practised by those great examples. The ends, indeed, moving thereunto were most weighty, viz. the Unity of Brethren,

Winning Souls, the Propagation of

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of ye rom maff  
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things strangled e  
dead is forbidden by  
some upon a moral  
reason. But ye h  
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19. e ye p p p p p  
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A. 15. 10.  
Col. 2. 20.  
Col. 2. 12.  
Gal. 4. 19.  
20.  
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A. 15. 2.  
4, 6, 7.  
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f r o m a 2 y t o n  
n e e d y m d i f f e r e n t  
m y p p d i a l y  
ye y

1 Cor. 9. the Gospel, the prevention of Scandal,  
 19, 20. and the danger of the Ministry through  
 1 Cor. 9. persecution.

31.  
 Act. 16. 3: Calvin is peremptory, *Non licuisset*,  
 Acts 21. faith he, it had not been lawful for  
 22, 24, 27, believers to have retained those Cere-  
 28. monies, except they had made for E-  
 In Acts 2. dification, yet boldly addes, *licuit*, it  
 23. citing, was lawful for Paul to circumcise Ti-  
 1 Cor. 9. mothy.  
 20r

Zanchy, and Peter Martyr, to name  
 no more, come neer to us in their ap-  
 plication. Peter Martyr faith, that with-  
 out Controversie, the abstaining from  
 Loc. com. bloud and things strangled were Aaro-  
 fol. 1087. nical; yet defends that Apostolical in-  
 Hoopero. junction, for peace, and the better con-  
 viction of believers: and thence, the  
 Surplice.

In Phil. 1. Zanchy faith, the forbidding of things  
 fol. 45. 6. strangled and bloud, smelt of Jewish  
 superstition: and that Pauls vom, and  
 purifying, were hay and stubble at that  
 time. Yet he approves them for love  
 and peace sake: and thence perswadeth  
 Ministers, threated by Authority, to  
 use such Ceremonies as are hay and  
 stubble, rather then to leave their Mi-  
 nistry.

nistry. He concludes from this great President, *Ergo multa toleranda Ministris, ne pax scindatur Ecclesiarum, &c.* therefore many things are to be born by Ministers for the Churches peace, and to avoid scandals: if they be neither such things, nor Doctrines as strike at the Foundation.

But I forbear to enlarge, or apply this Argument, lest peradventure I be mistaken to charge my Brethren, with too hard thoughts of our Churches Impositions: or be thought, my self, to be too Friendly to any thing that's sinful, which God forbid.

I confesse, it is a very tender point; and to be touched gently, both in Doctrine and Use; but though I cannot be so uncharitable as to fear our Church will try us with it: or, that it is the case of many of my Brethren, their own judgements; and lastly, in though I dare not say, how far I should venture in my own practice upon this principle; yet, I freely consent to the truth of it: neither can I question it, till I shall see the foresaid Scriptures better answered, then I have yet done.

N 2

Yea,









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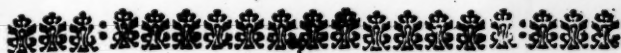
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**F I N I S.**

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**R** *Ecensui tractatum hunc, cui  
Titulus, The Grand Case :  
Grande quidem opus, si quod intendit  
efficiat.*

*Sextilis 11<sup>o</sup>.*

1662.

M. Frank. S. T. P.  
R.P.D.Ep<sup>o</sup>. Lond.  
a Sacris Domest.





**T**Here is Extant an Excellent Piece  
Entituled, *Some Necessary and Sea-  
sonable Cases of Conscience about things  
Indifferent in Matters of Religion,  
Briefly, yet faithfully stated and resol-  
ved* : wherein the just bounds of *In-  
posing* on one hand, and of *Obeying* on  
the other , are truly *Fixed* , By the  
same Hand. Sold by *Tho: Dring* at  
the *George in Fleet-street* near *Cliffords  
Inn*, 1662.



